

**TOWN COUNCIL  
REGULAR MEETING  
MARCH 18, 1998**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:30 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. INVOCATION - Reverend Mark Coleman**

Reverend Coleman gave the invocation.

**4. CERTIFICATION OF RESULTS - March 10, 1998 Election**

Town Clerk Reinfeld read the results of the March 10th election (attached hereto and made a part hereof these records).

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)

**5. OUTGOING COUNCILMEMBERS' MESSAGE**

Vice-Mayor Santini summarized the decisions that Council had made during the last three years. She thanked the residents, Council, her family and friends.

Town Clerk Reinfeld read a proclamation [item 12.4] proclaiming March 20, 1998 as Terry Santini Day. Mayor Venis presented Vice-Mayor Santini with a plaque recognizing her outstanding service and dedication as a Councilmember.

Councilmember Kiar summarized the decisions that Council had made during the last 10 1/2 years. He thanked the residents for his reelections and indicated that the Town had the most dedicated employees who were a credit to the Town. Councilmember Kiar also thanked previous Councilmembers for their dedication and his family for their support. He spoke on issues that were discussed in the recent election campaign.

Town Clerk Reinfeld read a proclamation [item 12.3] proclaiming March 19, 1998 as Monroe D. Kiar Day. Mayor Venis presented Councilmember Kiar with a plaque recognizing his outstanding service and dedication as a Councilmember.

**6. OATH OF OFFICE - Judge Geoffrey D. Cohen**

6.1 Kathryn "Kathy" Cox, Councilmember

6.2 Judith "Judy" Paul, Councilmember

6.3 Richard Weiner, Councilmember

Judge Cohen administered the oath of office individually to Councilmembers Cox, Paul and Weiner.

**7. SELECTION OF VICE-MAYOR**

Councilmember Bush nominated Councilmember Cox with Councilmember Weiner seconding the nomination. No other nominations were made. In a roll call vote, the vote was as follows: Mayor Venis - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**RECESS**

A recess was taken at 8:00 p.m. and the meeting was reconvened at 8:12 p.m.

**8. PRESENTATIONS**

8.1 WestFair Final Report

David Hughes, Executive Director of the Boys and Girls Club, provided a report on the recent WestFair activities and indicated that information was still being received.

## 8.2 Certificate of Appreciation - Jerrico Velez

Police Chief Jack Mackie explained that Mr. Velez had assisted Officer Rocky Pavone, who was knocked semi-unconscious, until another police officer arrived. Chief Mackie presented Mr. Velez with a plaque for his assistance and a Certificate of Appreciation.

## 8.3 Community Redevelopment Agency

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

## 8.4 Concert on the Green, Flamingo Elementary and Western High Schools

An unidentified man (Mr. Strauss) thanked the Town for its support of the Concerts on the Green endeavor which he explained.

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

Bonnie Stafiej, Special Projects Coordinator, distributed documents concerning the waterway clean up scheduled for March 21st. She advised that upcoming events included: Concert at Robbins Lodge (March 22, 1998); 5 Star Rodeo (March 27 - 28, 1998); Potter Park Address and Smoke Detector Program (March 28, 1998); and Fraternal Order of Police Associates Second Annual Spaghetti Dinner and Auction (March 28, 1998);

Mayor Venis announced that Lil Olfern was being inducted into the Area Agency on Aging's Hall of Fame. Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: Aquatics Month (April); Water Safety Clinics (every Saturday in April); meetings on parks (Reflections Park - March 19, 1998; Orange Park Community Center - March 26, 1998); and Children's Spring Break Program (April 10 - 17, 1998).

## 8.6 Update on Landscape Median Program

Robert Rawls, Assistant Town Administrator, provided an overview of the Town's Highway Beautification Program.

Mayor Venis discussed an inaccurate article in the Sun Sentinel entitled *Cities in Peril* which reported that the Town was in the lowest echelon of financial health. He stated that the Town was very financially strong and the rating system used for the article was not recommended by the Government Finance Officers of the United States and Canada. Mayor Venis indicated that the Town's independent auditors would be making a presentation at the May 1st Council meeting.

Budget and Finance Director Christopher Wallace indicated that the article was distressing and affected a number of cities. He stated that there were problems with the rating system which formed the basis for the Sun Sentinel's conclusion.

## **9. OCCUPATIONAL LICENSES**

### 9.1 Castro's Bullmastiffs, 13951 SW 24 Street

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

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

### 9.2 Self Serve Realty, 2170 SW 115 Terrace

Roger Herman and Lynn Walker, the applicants, were present. He confirmed that the request was for mail and phone use only.

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

Mayor Venis announced that items 12.25, 13.2, and 14.2 had been requested to be tabled until April 1, 1998.

Vice-Mayor Cox made a motion, seconded by Councilmember Paul, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes;

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

Mayor Venis announced that items 14.12 and 14.13 had been requested to be tabled until April 15, 1998. Councilmember Bush made a motion, seconded by Councilmember Weiner, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis advised that item 14.14 had been withdrawn by staff.

## **10. MAYOR/COUNCILMEMBER COMMENTS**

### **COUNCILMEMBER WEINER**

**ELECTIONS.** Councilmember Weiner thanked the voters for the turnout at the March 10th election. He indicated that he would like to see the municipal election tied to the State and County election.

**ELECTION ISSUES.** Councilmember Weiner discussed issues that were raised during the election and advised that his law firm, Sugarman and Susskind, no longer represented the firefighter's union. He provided Mayor Venis and Mr. Webber with a proposed form for lobbyists to complete and recommended that a board of ethics be established to prepare ethic guidelines for Council.

**TRASH PICKUP.** Councilmember Weiner asked that staff look into a complaint that he had received from a woman who had indicated that her trash was not picked up because of a broom in the garbage.

**THANKS.** Councilmember Weiner thanked those who worked on his campaign and he also thanked his wife, Wendy.

### **COUNCILMEMBER PAUL**

**ELECTIONS.** Councilmember Paul thanked her family and friends for their support during the election. She pledged to treat everyone fairly.

**CHARTER ISSUES.** Councilmember Paul stated that there were two issues that had been deferred by the Charter Review Board and she would like to move forward with reviewing the issues [public input at meetings and Fire Department language consistent with the Police Department] for placement on the November ballot. She indicated that she would like to have the "/negotiations" eliminated from the open bidding section in the Charter.

**ISSUES FOR STAFF.** Councilmember Paul advised that trees on 61st Avenue had been destroyed by the storm and asked that staff assess the situation. She questioned if the trees could be replaced with more appropriate "street" trees such as an oak tree. Councilmember Paul indicated that part of a pick up truck was in the canal at Oak Hill and asked that this be removed. She stated that for a number of years, a request had been made for a basketball hoop at Orange Park.

**EMS SYSTEM.** Councilmember Paul stated that she was looking into establishing an independent citizen's committee to review the costs of the Town's firefighters being phased into the EMS system. She said that the contract required a 120 day notice for the Town's firefighters to take over a station and recommended that the appropriate paperwork be prepared for this notice.

**GUARD RAIL.** Councilmember Paul stated that she had received a letter and a petition from the residents of Calder Farms who were requesting the continuation of a guard rail on 75th Avenue. She asked if staff could look into this with Vice-Mayor Cox responding that she and Mr. Rawls had been working on this matter.

### **COUNCILMEMBER BUSH**

**DAY CAMP/HORSE CAMP.** An individual, representing Jason and Sam Hurley from Bar-B Ranch, advised that Messrs. Hurley would like to initiate an annual program consisting of ten camp/horse camp days which the Town could present to children in the Town who had either earned the award or could not afford the camp. He indicated that the Hurleys hoped that Council would choose the children who would be attending and presented the certificates in recognition of Ms. Santini.

### **VICE-MAYOR COX**

**THANKS/GOOD WISHES.** Vice-Mayor Cox thanked the Hurley's for their generosity. She wished previous Mr. Kiar godspeed and indicated that she would miss Ms. Santini.

**ELECTIONS.** Vice-Mayor Cox thanked the voters for returning her to office. She discussed the actions of the individuals who supported her opponent and she also discussed her voting record. Vice-Mayor Cox stated that she

was looking forward to working with Councilmembers Paul and Weiner who she thought were qualified. She hoped that this Council was as successful as the previous Council.

## **MAYOR VENIS**

**ELECTIONS.** Mayor Venis congratulated Councilmembers Paul and Weiner on their victories and indicated that he was looking forward to working with them.

**WATER ISSUES.** Mayor Venis stated that he had received calls from Ivanhoe residents regarding a break in the City of Sunrise's water pipe and wanting to know if the water had to be boiled.

He indicated that a system needed to be in place advising if water should be boiled or if it was safe to drink. Mayor Venis requested that Mr. Flatley contact officials from the City of Sunrise for its procedures.

Mayor Venis advised that he would be traveling to Tallahassee to testify before the Utilities Commission on the unfair surcharge that the Town's residents were being assessed.

**RIBBON CUTTING.** Mayor Venis stated that he, Vice-Mayor Cox and Councilmember Bush attended a ribbon cutting ceremony at the Subco Convenience Store which was the biggest convenience store in the country.

He welcomed Subco into the Town and wished them much success.

Mayor Venis stated that Council also participated in a ribbon cutting ceremony of the Young At Art Museum and indicated that the Museum was applying for a \$300,000 design grant.

**BASEBALL.** Mayor Venis stated that Council attended opening day of baseball season at Bamford Sports Complex and he threw out the first pitch. He congratulated his son, Harry, for making the baseball team.

**HOMEOWNERS MEETINGS.** Mayor Venis stated that he and Mr. Rawls attended the Arista Park Homeowners Association meeting and advised that all the concerns mentioned would be addressed in the upcoming weeks. He advised that he would be attending the Pine Island Bay Homeowners Association meeting on April 2nd.

**WRESTLING FUNDRAISER.** Mayor Venis stated that a wrestling fundraiser would be held on April 4th at Western High School with the proceeds benefiting Flamingo Elementary School.

## **11. TOWN ADMINISTRATOR'S COMMENTS**

**YOUNG AT ART MUSEUM.** Mr. Flatley stated that the grand opening of the Museum was very successful.

**QUARTERDECK RESTAURANT.** Mr. Flatley advised that the Quarterdeck was beginning construction on a restaurant across the street from Nova Southeastern University.

**MUVICO THEATER.** Mr. Flatley stated that a ribbon cutting ceremony would be held on March 30th for the Muvico Theater.

**NEWSPAPER ARTICLE.** Mr. Flatley stated that he was glad that Mayor Venis discussed the errors in the Sun Sentinel article on an entitled *Cities in Peril*.

## **12. CONSENT AGENDA**

### *Minutes*

12.1 February 25, 1998 - Special Meeting

### *Proclamations*

12.2 Support for the Creation of Building 25 as the South Florida Military Museum and Memorial

12.3 Monroe D. Kiar Day (March 19, 1998)

12.4 Terry Santini Day (March 20, 1998)

12.5 Baha'i Day (March 21, 1998)

12.6 Days of Remembrance (April 19 - 26, 1998)

12.7 Aquatic Awareness Month (April 1998)

### *Parade Permit*

12.8 Silver Ridge Elementary PTO (March 26, 1998; 8:30 a.m. to 10:00 a.m.)

### *Resolutions*

**12.9 CLASS SPECIFICATION REVISIONS** - A RESOLUTION OF THE TOWN OF R-98-89 DAVIE, FLORIDA, REVISING THE CLASS SPECIFICATION FOR RECREATION LEADER IN THE FEDERATION OF PUBLIC EMPLOYEES, BLUE COLLAR UNIT, AND REVISING THE CLASS SPECIFICATION FOR RECREATION ATTENDANT IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.

**12.10 CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-90 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT CHANGE ORDER FOR CONSTRUCTION OF A WASTEWATER TREATMENT PLANT EXPANSION. (net increase \$35,350.71)

**12.11 ARENA RENTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-91 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE GEHL GROUP FOR THE RENTAL OF THE BERGERON RODEO GROUNDS OF DAVIE, FLORIDA. (April 10, 1998; arena rental fee - \$1,525)

**12.12 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-92 BID FOR PHOTOGRAPHIC FILM, CO-OP BID H-05-98. (Group 1 - Mardel Photo Supply; Group 2 - HPI International)

**12.13 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-93 BID FOR A COPY MACHINE FOR THE FINANCE DEPARTMENT, GSA CONTRACT NUMBER GS-26F-1015B. (Systems + Solutions; \$14,182)

**12.14 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-94 BID FOR METER READING SERVICES. (Municipal Meter Reading Service; 42¢/meter read)

**12.15 LEASE AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, R-98-95 AUTHORIZING APPROVAL AND EXECUTION OF AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD TO LEASE THE CAFETERIA/AUDITORIUM, GYMNASIUM AND RESTROOMS FROM INDIAN RIDGE MIDDLE SCHOOL FOR A COED YOUTH BASKETBALL PROGRAM AND SUMMER TEEN PROGRAM. (rental fee and custodian fee; \$1,703.94)

**12.16 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-96 APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 96-468 FROM \$3,000 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE. (Jeff S. Mitchell and Carol Ann Mitchell)

**12.17 GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-97 AUTHORIZING THE REQUIRED MATCH FUNDS OF \$7,330.00, FROM THE LAW ENFORCEMENT TRUST FUND, REPRESENTING THE 10% OF THE \$73,301.00 GRANT AWARDED BY THE LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM FOR THE LAPTOP COMPUTERS.

**12.18 GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-98 AUTHORIZING AN APPLICATION FOR AN EMERGENCY MEDICAL SERVICES GRANT FROM THE FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES; PROVIDING FOR MATCHING FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

**12.19 GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-99 AUTHORIZING AN APPLICATION FOR AN EMERGENCY MEDICAL SERVICES GRANT FROM THE FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES; PROVIDING FOR MATCHING FUNDS ; AND PROVIDING FOR AN EFFECTIVE DATE. (approximately \$11,374)

**12.20 TRAVEL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-100 AUTHORIZING EXTENDED TRAVEL FOR OFFICERS BRUCE PAQUET, STEVE LAMBERT, MICHAEL DAVIS AND MICHAEL HAAKER OF THE DAVIE POLICE DEPARTMENT. (Special Weapons and Tactics Training; \$1,740)

**12.21 TRAVEL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-101 AUTHORIZING SUPPLEMENTAL FUNDING FROM THE LAW ENFORCEMENT TRUST FUND FOR FIVE EXPLORERS AND TWO ADVISORS OF THE DAVIE EXPLORER POST 564 TO ATTEND THE EXPLORER NATIONAL CONFERENCE AND COMPETITION IN WASHINGTON, D.C. (\$2,300)

**12.22 EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-102 AUTHORIZING EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND FOR POLICE DEPARTMENT TRAINING. (\$15,000)

**12.23 SHIP PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-103 ADOPTING THE JOINT LOCAL HOUSING ASSISTANCE PLAN FOR 1999-2001 UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR ADMINISTRATION OF THE TOWN'S SHIP PROGRAM FUNDS; APPROVING THE TOWN'S HOUSING DELIVERY GOALS AND LOCAL SHIP STRATEGY FOR 1998/99; AND PROVIDING FOR AN EFFECTIVE DATE.

**12.24 FACILITIES RELOCATION AGREEMENT** - A RESOLUTION OF THE TOWN OF R-98-104 DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A FACILITIES RELOCATION AGREEMENT WITH JONES INTERCABLE TO RELOCATE OVERHEAD FACILITIES FROM DAVIE ROAD. (\$8,947.07)

**12.25 FACILITIES RELOCATION AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A FACILITIES RELOCATION AGREEMENT WITH BELL SOUTH TO RELOCATE OVERHEAD FACILITIES FROM DAVIE ROAD. (\$30,254)

*Ordinance - First Reading (Public Hearing to be held April 1, 1998)*

**12.26 COMPREHENSIVE PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LABC(SS)-98-1D, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL (10 DU/AC)" TO "RESIDENTIAL (22 DU/AC)"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (northeast corner of State Road 7 and State Road 84 intersection)

Councilmember Paul asked that items 12.10, 12.14, 12.18, 12.19, and 12.26 be removed from the Consent Agenda.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve the Consent agenda without items 12.10, 12.14, 12.18, 12.19, and 12.26 [item 12.25 was tabled earlier in the meeting]. Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on item 12.26 would be held on April 1, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

12.10 Councilmember Paul asked that the resolution be explained which was provided by Mr. Wallace. Vice-Mayor Cox made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

12.14 Councilmember Paul indicated that the bid that was chosen was not the lowest bid but was the most responsive bidder. Procurement Manager Herb Hyman explained the bid process and distributed a list of the different governmental agencies and their provider. Councilmember Weiner stated that he was pleased to see that the Town was not accepting the lowest bid but the lowest most responsible bid.

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

12.18 Councilmember Paul stated that it was a good idea to apply for a grant and thanked staff. She thought that the equipment that would be obtained from this grant would be helpful in phasing in the firefighters.

Councilmember Paul added that this equipment would reduce the response times to EMS alarms from nine minutes to six minutes 90% of the time.

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

12.19 Councilmember Paul reiterated her comments that she made under item 12.18.

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

12.26 Michele Mellgren, Director of Development Services, explained the ordinance.

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

### **13. SITE PLANS**

13.1 SP 8-6-97, Davie Shopping Center, 4400 Weston Road (BP) (tabled from March 4, 1998) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee motion was to approve subject to the planning report, eliminating the center entrance to the rear, maintaining a minimum of 20 foot landscaping buffer, using natural clay roof tiles, using colors as represented in the color rendering, and providing a color rendering that accurately depicted what would be seen off South Pointe Drive.*

Bill Laystrom, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, read the planning report. Mr. Laystrom and his associates explained the site plan with discussion following.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve subject to the Planning and Zoning Division's and Site Plan Committee's recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

### **13.2 STAFF REQUESTING A TABLING TO APRIL 1, 1998**

SP 10-1-97, Eckerd's - Griffin Road, 7801 Griffin Road (B-2) (tabled from March 4, 1998) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee motion was to approved per staff's recommendation with the continuation of the split block down the west facade and per staff's recommendation included in that.*

This item was tabled earlier in the meeting.

### **14. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

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

**14.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-14 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2 TO B-3; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING**

FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-1-97, BGL Ltd./Helbar Investment Corp., 13290 State Road 84) (tabled from March 4, 1998)

Town Clerk Reinfeld read the ordinance by title.

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

Bill Laystrom, representing the petitioner, explained the ordinance. He indicated that the petitioner had agreed to eliminate several of the B-2 uses that would be allowed and to vacate SW 133 Avenue. Mr. Laystrom added that the petitioner also agreed with staff's comments.

Councilmember Weiner asked if there would be any landscaping behind the wall between the wall and the residents. Mr. Laystrom replied affirmatively. Discussion followed.

Arthur Joseph, 13700 SW 18 Court, questioned how long it would be between the rezoning and the development if the rezoning was approved. Mr. Laystrom stated that the petitioner anticipated that the site plan would be before the Site Plan Committee on March 31st and before Council on April 15th.

Mayor Venis asked if a few trees could be added to Randall Square. No objections were noted.

Mayor Venis closed the public hearing.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve with the addition of the 15 trees on the adjacent site. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**14.2 REZONING/CONCEPTUAL MASTER PLAN - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB 10-3-97 AMENDING ORDINANCE 89-1 BY CHANGING SECTION 1. b. TO PROVIDE FOR A REVISION TO THE APPROVED CONCEPTUAL MASTER PLAN ASSOCIATED WITH THE REZONING APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-3-97, Stor-All, Inc./Morse Operations, Inc., 3700 University Drive) (tabled from March 4, 1998)**

This item was tabled earlier in the meeting.

#### *Quasi Judicial Items*

**14.3 VARIANCE - V 1-1-98, Reyes, 13201 SW 30 Court (R-1) *Planning and Zoning Division approved; Planning and Zoning Board approved***

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 with Mr. Tyler asking for an explanation. Mr. Webber indicated that a summarized presentation would be made with Mr. Tyler being able to make comments in opposition. Gus Zambrano, Planner, summarized the planning report.

Councilmember Weiner indicated that he had walked past this property several times during the campaign and he had attended that Planning and Zoning Board meeting.

Mr. Tyler indicated that he did not have a problem with the variance.

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

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

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

**14.4 VARIANCE - V 1-2-98, Town of Davie, 4210 - 4220 SW 82 Way and 8245 - 8355 SW 42 Court (PRD-5) *Planning and Zoning Division approved; Planning and Zoning Board denied***

Town Clerk Reinfeld swore in the witnesses. Mr. Webber asked if anyone would be speaking in opposition with Mr. Tyler asking for an explanation. Ms. Mellgren summarized the planning report and entered the planning report into evidence.

Councilmember Weiner advised that he had attended the Planning and Zoning Board meeting when this variance was discussed. Vice-Mayor Cox indicated that she had met with Mrs. Cavalero and this variance was briefly discussed.

Ms. Mellgren advised that at the Planning and Zoning Board meeting, several residents from Calico Country were strongly opposed to the variance as they enjoyed using the open space to access the canal. She stated that staff

reviewed aerial photographs and there was a small sliver of land that the residents had for this purpose. Discussion followed.

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

Barbara Cavaleiro, representing the Pine Island Bay Homeowners Association, spoke in favor of the variance. Doreen Corey spoke in favor of the variance. She stated that she had petitions and letters from the residents along with copies of deeds and surveys. Mr. Webber advised that the documents would be accepted as part of the record.

Mr. Webber stated that the hearing was concluded.

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

**14.5 SPECIAL PERMIT** - SE 1-1-98, John's Patio Stones and Sod, Inc./Neaumonitis, 1103 Flamingo Road (AG) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report with an amendment to condition three allowing trucks to be stored in the rear of the property in a way so as not to be visible from neighboring homes on the east side of the property.*

Mr. Webber asked if anyone would be speaking in opposition to the petition with no one speaking. Town Clerk Reinfeld swore in the witnesses. Mr. Zambrano summarized the planning report.

Neal Kalis, representing the petitioner, discussed the special permit and the recommendations of the Planning and Zoning Division and Board. He asked that Council approve with the amendment as approved by the Planning and Zoning Board.

Ms. Mellgren stated that in reviewing the request, staff was trying to promote agriculture and related activities; however, staff was concerned with the truck activity. She indicated that staff could not monitor the truck activity unless the petitioner offered entry at any time to the site.

Mayor Venis indicated that he had met with the petitioner three to four months ago to discuss the problems with the site.

Mr. Kalis stated that the necessity to enter the site may be obviated if there were complaints from adjoining property owners. He indicated that in order to make the property economically viable, the petitioner needed help in terms of the cost of his trucks being off site. Mr. Kalis stated that the petitioner needed to be given the chance and if there were problems, the problems would be resolved. Vice-Mayor Cox asked if the petitioner would be willing to limit the trucks to two and she wanted to make certain that there would be no truck traffic on 121st Avenue. Mr. Kalis clarified that the two trucks would be sod trucks as there were other landscape vehicles that were already used in connection with the landscape operation.

Ted Tsintigras, representing the petitioner, advised that he would not have a problem limiting the total number of trucks, including those involved with the sod, to three that would be stored on the site. Mr. Kalis indicated that this would be offered as an additional condition.

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

Mr. Webber stated that the hearing was concluded.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve subject to the planning report and stipulation of counsel. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mr. Kalis clarified that the approval was with the amendment as suggested by Planning and Zoning to allow the parking of the trucks.

**14.6 REZONING** - ZB 5-3-97, CDI Engineering & Planning/Sublime Inc., 5900 SW 70 Avenue (from R-2 to B-1) (tabled from January 21, 1998) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial. She added that Council had tabled the petition for the petitioner to work with the adjacent neighbors to resolve some issues and concerns.

Dan Fee, representing the petitioner, explained the rezoning request. He stated that the issues of the residents included the buffer and roadway which he discussed. Mr. Fee stated that the petitioner was willing to provide a buffer that was acceptable to the residents and the Town. He indicated that the problem with the road was the cost to the petitioner or to the residents. Mr. Fee stated that if the Town was willing to allow the road to remain private, the petitioner would incorporate the 25 feet into the buffer and the residents could keep their narrower private driveway. He advised that the issue could not be resolved without the Town's input and a decision on the road had to be made first. Mr. Fee indicated that after a decision on the road was made, the buffer and materials could be discussed.

Vice-Mayor Cox questioned what the tax assessments would be with the rezoning and recommended that she and Mr. Rawls meet on the issues regarding the road.

Ms. Easterling advised that the width of the property was 165 feet and under the current scenario with the 25 foot dedication, the 50 foot bufferyard and the 20 foot setback, the developer would be gaining approximately 70 extra feet of developable commercial property should the rezoning be approved. She indicated that she would like to check the deed restrictions prior to recording of the plat.

Mayor Venis opened the public hearing.

James Birch, 5880 SW 70 Avenue, agreed with Vice-Mayor Cox and stated that the residents had not discussed other issues because of the matter with the road. He indicated that the road issue needed to be resolved first.

Marie Peterson Epstein stated that she was currently land locked as she had no road to get to her property to develop it. She indicated that if the road could be worked out, she was in agreement to table the matter for two weeks; otherwise, she was not in favor of the request.

Al Tyler was concerned with the increased traffic and was opposed to the rezoning.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table the item until April 1, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

15.1 Due to the tabling of item 14.6, Mayor Venis asked for a motion to table item 15.1.

Councilmember Bush made a motion, seconded by Councilmember Paul, to table [to April 1, 1998]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

#### *Public Hearing Items*

**14.7 VACATION/ABANDONMENT** - VA 9-1-97, Miller, Legg & Associates, Inc./Ivanhoe Land Investment, Inc., 15401 Sheridan Street (Commercial/PUD-5, County) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

Robert Legg, representing the petitioner, was present. Ms. Mellgren summarized the planning report as no one would be speaking in opposition. She asked Mr. Legg to speak to the issue of building a cul-de-sac. Mr. Legg indicated that he was not aware of any agreement to build a cul-de-sac at this time; however, he would speak with the petitioner.

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

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

**14.8 LAND USE PLAN APPLICATION** - LA(TXT) 98-1E, Town of Davie (to change Future Land Use Element Text regulating special residential facility) *Planning and Zoning Division finds the amendment to be consistent with applicable State law requirements and provisions; Local Planning Agency approved*

Ms. Mellgren read the planning report.

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

Jean Messler, 13300 SW 29 Street, discussed the application and asked that Council not approve the application at tonight's meeting. She requested that Council "put it on hold" until after the litigation was resolved.

Bill Laystrom, Chairman of the Association for Retarded Citizens as well as the after-attorney for Teen Challenge, stated that this application discouraged group home housing. He indicated that he had no objections to distance separation requirements or the Town's regulating the way in which group homes were located. Mr. Laystrom added that the Town should be more liberal and should do more than the State Statute minimum. He asked that the Town maintain the Code and add an amendment to the ordinance that a facility was either HRS licensed or lawfully exempt from HRS licensing.

Fritz Roberts, 13700 SW 24 Street, stated that this application was an encroachment on the neighborhood and asked that no action be taken until after the litigation was resolved.

Arthur Joseph, 13700 SW 18 Court, agreed with Ms. Messler and asked the Town to proceed cautiously. He suggested that a workshop be held to allow for citizen input.

Mayor Venis closed the public hearing.

Mr. Webber provided a history on the matter and indicated that it was possible that the proposed changes could effect the litigation which could go on for a very long time. Mayor Venis stated that he was not in favor of the application if it could negatively effect the litigation. Councilmember Paul agreed that she would not be in favor of the amendment while the issue was in litigation. She added that it may be necessary to put the moratorium "back on." Vice-Mayor Cox questioned how long a moratorium could be in effect. Mr. Webber indicated that a moratorium was generally in effect until a decision could be made on how to proceed but he did not think the moratorium could be in effect forever.

Councilmember Weiner questioned if the Town could petition the Court to extend the moratorium. Mr. Webber did not think that this would be practical with the current case. He explained that if the process was started and not completed, it would have the same effect as a zoning in progress. Councilmember Bush asked if the Town would be stepping on anyone's rights that may create a liability for the Town if the moratorium was extended. Mr. Webber responded that the Town was in a position where someone could challenge the legality of the moratorium. He stated that there was no question that the Town's Code was in need of revision and he did not think the Court could fault the Town for revising its Code.

Ms. Mellgren explained that the moratorium was on site planning or building permitting not on group home facilities.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to deny. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

15.3 Town Clerk Reinfeld advised that item 15.3 related to item 14.8.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to deny. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

14.11 Councilmember Paul advised that item 14.11 also related to item 14.8.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to deny. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

Mayor Venis asked for Council's input on a proposed moratorium. It was the consensus that a six month moratorium should be drafted for consideration at the next Council meeting. Vice-Mayor Cox recommended that the moratorium be for building permits. Mayor Venis indicated that after the six months, Council could extend the moratorium.

**14.9 LAND USE PLAN AMENDMENT - LA BC 98-3A**, Town of Davie, generally located south of SW 48 Street, east of SW 58 Avenue, north of the FPL primary transmission easement, and west of the Florida Turnpike (from Residential 1 du/ac and Residential 5 du/ac to Employment Center and Recreation and Open Space) *Planning and Zoning Division approved; Local Planning Agency denied*

Mr. Wallace explained the intent of the amendment and stated that a municipality needed to try to maximize its land uses so that the tax base was stable. Mr. Flatley stated that it had been reported that the study which had been conducted was innovative as the Town was looking into the future for an ultimate buildout. Ms. Mellgren discussed the study that had been conducted. Jeff Katims, Planner, read the planning report with Ms. Mellgren

clarifying the conceptual layout of staff's vision.

Mayor Venis questioned if the boundary size could be decreased after the residents had been heard. Ms. Mellgren responded affirmatively.

Councilmember Weiner disclosed that he was in attendance at the February 25, 1998 meeting. Vice-Mayor Cox disclosed that she and Ms. Mellgren had met with the owners of residential property. Councilmember Paul stated that she would like the opportunity to look at the concept of an employment center and suggested that this issue be tabled.

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

Al Tyler, 8090 SW 19 Court, questioned how the residents who were affected felt and it appeared that the eastern area of town was always getting "the shaft." He stated that the neighborhood should retain the current zoning.

Christina Long, 5610 SW 51 Street, stated that she would like to keep the area residential and there was no guarantee to the Town on income.

Dennis (last name unintelligible) who lived on 54th Street questioned if Council had any projections for the Berman property. Vice-Mayor Cox stated that nothing solid had been determined.

Dorothy (last name unintelligible) who lived on 48th Street discussed Davie's growth and the wildlife.

Janice Vliet, 5630 SW 54 Street, stated that she was concerned that the change in land use would lower her property value and she did not think it was fair. She added that she was afraid that Mr. Berman would request a rezoning. Ms. Vliet indicated that she would be glad to pay extra taxes to preserve the neighborhood and asked that the amendment be denied.

Laura King, 5540 SW 54 Street, stated that the amendment was not compatible with the existing residential uses and would not enhance the property values.

Richard King, 5540 SW 54 Street, indicated that he was against the amendment as there were many commercial properties that had not been fully developed.

Valerie Losto, 5740 SW 54 Street, stated that the whole neighborhood was residential and the amendment did not make sense or sound fair.

Dave Jones, 4810 SW 57 Terrace, indicated his agreement with previous speakers.

Leslie Schroeder, 5877 SW 54 Court, spoke in favor of the amendment and discussed the possibility of property owners providing land for a park.

Lynn Delorenzo, Davie Economic Development Council Chairperson, read a letter from the Economic Development Council in support of the amendment.

Robert Legg, Davie Economic Development Council member, spoke in favor of the amendment.

Bill Ferrante, Davie Economic Development Council member, stated that the Berman property did not have any extraordinary rights with the approval of the amendment. Mr. Webber agreed that the amendment did not give the Berman's extraordinary rights; however, the land would be in a different position if the amendment was approved.

Dick McCall, 4621 SW 58 Avenue, spoke in favor of the amendment.

Angelo Miele, Jr., owner of JR's Nursery and Equipment, spoke in favor of the amendment.

Richard Abraham, Davie Economic Development Council member, reaffirmed the letter from the Economic Development Council.

Patricia North stated that the amendment was a win/win situation for the Town and the residents.

Nabil Tawfik, 5301 SW 48 Street, questioned why the Town was "putting their eyes on us" and spoke against the amendment.

Robert Bowman, 5500 SW 55 Avenue, spoke against the amendment.

Rory Nolan, 5490 SW 55 Avenue, spoke against the amendment.

Patty Novak, Davie Economic Development Council member, spoke in favor of the amendment.

Kevin Strain, 4830 SW 58 Street, stated that he wanted to know how the amendment would affect traffic on SW 58th Street. Vice-Mayor Cox responded that the traffic would be on Griffin Road not on SW 58th Street.

Mayor Venis closed the public hearing.

After a lengthy discussion, Councilmember Weiner made a motion, seconded by Councilmember Bush, to table items 14.9 and 16.1 to September 2, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes;

Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

14.10 **LAND USE PLAN AMENDMENT** - LA BC 98-3B, Town of Davie, approximately 22 acres south of State Road 84, east of Flamingo Road, west of SW 121 Avenue (from Residential 5 du/ac to Employment Center) *Planning and Zoning Division approved; Local Planning Agency approved*

Mr. Katims read the planning report.

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

Nick Mikens indicated that he was the owner of the property.

Robert Legg, Davie Economic Development Council member, spoke in favor of the amendment.

Bill Ferrante, Davie Economic Development Council, indicated his support of the amendment.

Mayor Venis closed the public hearing portion of the meeting.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

*Ordinance - First Reading (Second Public Hearing expected to be held May 20, 1998)*

14.11 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-1-1-98, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES," SUBSECTION (A) "RESIDENTIAL DISTRICTS," TO ELIMINATE REFERENCES TO SPECIFIC TYPES OF SPECIAL RESIDENTIAL FACILITIES AND "SUBDIVISION FACILITIES," TO PERMIT "SPECIAL RESIDENTIAL FACILITY" IN ALL RESIDENTIAL ZONING DISTRICTS EXCEPT THE "MH" DISTRICTS SUBJECT TO DETAILED USE REGULATIONS CONTAINED IN SECTION 12-34; AMENDING SUBSECTION (B) "COMMERCIAL, OFFICE AND BUSINESS DISTRICTS" TO PROHIBIT "SPECIAL RESIDENTIAL FACILITIES" IN THE "SC," "B-1," "WT," "B-2," "UC," AND "B-3" DISTRICTS; AMENDING SUBSECTION (D) "RECREATIONAL, COMMUNITY FACILITIES AND UTILITIES DISTRICTS," TO REPLACE REFERENCES TO SPECIFIC RESIDENTIAL FACILITIES WITH THE CATEGORICAL REFERENCE, "SPECIAL RESIDENTIAL FACILITY" AND PERMITTING "SPECIAL RESIDENTIAL FACILITY" IN THE "NCF," "CF" AND "PCF" DISTRICTS; DELETING SECTION 12-34 ENTITLED, "DETAILED USE REGULATIONS," SUBSECTION (Z) "SPECIAL RESIDENTIAL FACILITIES," IN ITS ENTIRETY; ADDING SUBSECTION 12-34(Z)(1), (2) AND (3) PROVIDING FOR THREE CATEGORIES OF SPECIAL RESIDENTIAL FACILITIES, LEGAL NONCONFORMING USES, AND A MAXIMUM DENSITY FOR NONCONFORMING USES; ADDING SUBSECTION 12-34(Z)(4) PROVIDING FOR MINIMUM DISTANCE SEPARATIONS; ADDING SUBSECTION 12-34(Z)(5) REQUIRING PROOF OF LICENSING BY THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILY SERVICES; AMENDING SECTION 12-503 ENTITLED, "DEFINITIONS," TO ELIMINATE CERTAIN DEFINITIONS RELATING TO SPECIAL RESIDENTIAL FACILITIES AND ADD NEW DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was denied earlier in the meeting.

*Items requested to be tabled or withdrawn*

14.12 PLANNING AND ZONING BOARD TABLED TO MARCH 25, 1998; COUNCIL CAN TABLE TO APRIL 15, 1998

VACATION/ABANDONMENT - VA 12-1-97, Nickerson, 5357 SW 48 Street

This item was tabled earlier in the meeting.

14.13 PLANNING AND ZONING BOARD TABLED TO MARCH 25, 1998; COUNCIL CAN TABLE TO APRIL 15, 1998

LAND USE PLAN AMENDMENT - LABC 98-1B, Laystrom/Chelsea Lynn, Inc., southwest corner of State Road 84 and SW 121 Avenue (from Residential 5 to Industrial or Employment Center)

This item was tabled earlier in the meeting.

#### 14.14 WITHDRAWN BY STAFF

LA(TXT) 98-1F, Town of Davie

This item was withdrawn.

### 15. ORDINANCES - FIRST READING

*(Public Hearing to be held April 1, 1998)*

**15.1 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 January 21, 1998)

This item was tabled earlier in the meeting.

**15.2 VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF 60 FOOT WIDE ROAD RIGHT-OF-WAY AND CUL-DE-SAC EASEMENT FOR HAWKE'S BLUFF AVENUE, TOGETHER WITH 12 FOOT UTILITY EASEMENT, 24 FOOT ROADWAY AND LANDSCAPE EASEMENT, AND 12 FOOT ANCHOR EASEMENT LOCATED ADJACENT TO HAWKE'S BLUFF AVENUE AND LOCATED WITHIN THE BRITANNIA PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-1-97, Miller, Legg & Associates, Inc./Ivanhoe Land Investment, Inc., 15401 Sheridan Street)

15.2 Town Clerk Reinfeld read the ordinance by title only. Mayor Venis advised that a public hearing on item 15.2 would be held on April 1, 1998.

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

*(Public Hearing to be held May 20, 1998)*

**15.3 LAND USE PLAN APPLICATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA(TXT)-98-1E, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REVISING PROVISIONS GOVERNING SPECIAL RESIDENTIAL FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (to change Future Land Use Element Text regulating special residential facility)

This item was denied earlier in the meeting.

### 16. RESOLUTIONS

**16.1 LAND USE PLAN TRANSMITTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LABC-98-3A FOR AMENDMENT OF THE TOWN OF DAVIE FUTURE LAND USE PLAN MAP ON ITS MERITS; AUTHORIZING TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL; REQUESTING THE COUNTY ADOPT A CORRESPONDING AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN; AUTHORIZING THE BROWARD COUNTY PLANNING COUNCIL TO TRANSMIT THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE. (generally located south of SW 48 Street, east of SW 58 Avenue, north of the FPL primary transmission easement, and west of the Florida Turnpike)

This item was tabled earlier in the meeting.

**16.2 LAND USE PLAN TRANSMITTAL** - A RESOLUTION OF THE TOWN OF R-98-105 DAVIE, FLORIDA, APPROVING APPLICATION LABC-98-3B FOR AMENDMENT OF THE TOWN OF DAVIE FUTURE LAND USE PLAN MAP ON ITS MERITS; AUTHORIZING TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL; REQUESTING THE COUNTY ADOPT A CORRESPONDING AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN; AUTHORIZING THE BROWARD COUNTY PLANNING COUNCIL TO TRANSMIT THE

AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE. (approximately 22 acres south of State Road 84, east of Flamingo Road, west of SW 121 Avenue)

Town Clerk Reinfeld read the resolution by title only.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

## **17. APPOINTMENT**

17.1 Davie Water Advisory Board (term expires December 1998; one exclusive appointment: Councilmember Cox) (a minimum of one member shall be a licensed engineer)

Vice-Mayor Cox appointed Scott Allsworth.

## **18. DISCUSSION AND POSSIBLE ACTION**

There were no items for discussion.

## **19. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 2:01 a.m.

