

**TOWN COUNCIL  
REGULAR MEETING  
JUNE 3, 1998**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:12 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. OPEN PUBLIC MEETING**

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

Al Tyler, 8090 SW 19 Court, stated that the public wanted to see the numbers for WestFair and the rodeo arena and how much money was being lost.

Mr. Tyler indicated that Judy Stern had requested notes that a Councilmember made and indicated that he would be more careful on asking people's opinions about things. He stated that the goal setting session was very interesting and he was glad that the Town was solvent. Mr. Tyler advised that he had left the session early and he was upset to learn that the luncheon was catered by Ms. Stern.

Bruce Novak, 4262 SW 78 Drive, thanked Mayor Venis for his vote on the Fire Department providing EMS services at one of the stations. He added that he hoped they would do what they were supposed to do out there. Mr. Novak stated that he had read a few newspaper articles regarding statements he had made during the campaign about interfering with the integrity of the property owners in the Town of Davie which still seemed to be going on. He stated that commercial properties should not be next to homes as it lowered their.

Dorothy Killingham, 3665 West Valley Green Drive, commented on obtaining a decent bus for senior citizens to fulfill their shopping needs. She asked Mayor Venis the status of the issue and he replied that this matter was being worked on.

Jay Stahl, 5801 Surrey Circle West, discussed the blasting at the Muvico construction site and indicated that many complaints had been received.

Mr. Stahl stated that he gave Mr. Weiner a copy of the Local Section from the Miami Herald where it showed that the City of Miami had enacted several ordinances against lobbyists. He asked that staff review these ordinances and possibly take the same type of action.

Monroe Kiar thanked Council for the fine job it was doing. He stated that SW 8 Street and Flamingo Road was a dangerous intersection and advised that Assistant Town Administrator Roberts Rawls had indicated that several requests for a traffic signal had previously been made to Broward County who had indicated that the traffic activity at this intersection did not warrant signalization. Mr. Rawls advised that the activity would continue to be monitored and requests would again be made.

Gail Ling, 14641 Vista Verde Road, stated that her concern pertained to a site clearing on land whose zoning had been changed to light industrial. She stated that mini warehouses were being erected between Shenandoah and I-595 at SW 148 Avenue. Ms. Ling questioned what type of planning was in progress to prevent the buildings from going up as this was the only way out of her development. Mr. Rawls advised that there were no plans proposed for that site; however, the Town's Code provided for a substantial buffer along the street adjacent to the residential area. He stated that when the site plan arrived, staff would contact the residents and have them review it.

Sandra Switzer, 13510 SW 29 Street, stated that the person most responsible for the successful grand opening of the Robbins Lodge was Special Programs Coordinator Bonnie Stafiej. She stated that the Open Space Advisory Committee worked well as a team as the members shared ideas and were dedicated to the idea that open space was important to everyone. Ms. Switzer stated that Vice-Mayor Cox needed to be thanked for all her hard work and Mr. Rawls and his staff did a great job on the house and the grounds. She asked everyone to visit the Robbins Preserve.

Phyllis Kowal, 14491 SW 24 Street, discussed an article in the Miami Herald which referred to the building boom out west. She stated that a group called Critter Control gathered all the little animals that people complained about such as foxes, raccoons, and rabbits and dropped them off on 115 acres at SW 136 Avenue and SW 26 Street.

Ms. Kowal commented that these animals were dropped off at night and in their state of confusion, wandered into the roadways and were killed. She also commented on the terrific work on Robbins Lodge.

Arthur Joseph, 13700 SW 18 Court, thanked Council for its vote regarding EMS and to everyone who wrote letters to the Editor in reply to previous Councilmember Santini's letter. He discussed garbage bills and indicated that he wanted them to reflect truth in billing. Mr. Joseph stated that he was glad to see SW 136 Avenue and SW 4 Street on the Town's goals for redesign and questioned when the redesign would happen. He advised that 48 classrooms were being added to the high school which would further impact that intersection and indicated that he would like to see a traffic light instead of a stop sign. Mr. Joseph indicated that he was concerned about the bond issue regarding the police and fire facility on Nob Hill and he felt the Town was not following the letter of the law regarding bonds as the Town was paying for the infrastructure and everything inside the building. He asked that Mr. Webber comment on this in the future.

Mr. Joseph asked that the Town's democratic residents consider voting for Kristen Jacobs for the Broward County Commission in the primary in September as he felt she would help control the development taking place in the County.

Ellen Christopher, 3666 West Valley Green Drive, discussed a land use plan application requesting a revision to the comprehensive plan as it related to the general category of special residential facilities which was denied along with a request for a Code amendment relating to the general category of special residential facilities. She stated that these facilities were specifically not permitted in R-1 and she was concerned that someone from the Planning and Zoning Division would approve a special residential facility with up to 40 full-time residents located in a single family residential area. She asked for a clarification of the issue and the planning report.

Jean Mesler, 13300 SW 29 Street, questioned why the minutes took so long to get typed and approved by Council.

Terry Santini, 4001 SW 108 Terrace, encouraged the residents to begin paying attention to what was happening in the Town and at Council meetings. She stated that there were a number of items going out without bidding and a lot of dipping into the contingency funds. Ms. Santini stated that the Budget Advisory Committee unanimously advised Council not to dip into the funds for EMS services; however, "it was pushed and accepted to spend the money" even though it was not in the best interest of the Town. She asked for more support regarding the high school in the western area and complimented Vice-Mayor Cox on her interest in preserving the Town's heritage and the historic archeological area the Robbins Lodge.

Brian Meeley, 4201 SW 23 Street, discussed the wildlife relocation and stated that this was illegal and could cause many future problems.

Scot McCluskey, 2102 Nova Village Drive, commend Council on letting everyone speak and on its actions regarding EMS. He felt some past Councilmembers had obstructed the wishes of the voters and wanted to commend the present Council in aiding the voters to better their community.

#### **4. PRESENTATIONS**

##### **4.1 Area Agency on Aging Senior Hall of Fame - Ruth Forbes and Lily Ann Olfern**

Mayor Venis stated that Mrs. Forbes and Mrs. Olfern were two Davie residents who were recently inducted in the Area Agency on Aging's Senior Hall of Fame. Mrs. Forbes thanked everyone for this honor and thanked her husband of 51 years. Mrs. Olfern thanked everyone for this honor and stated that she intended to continue serving her community to her best ability. Mayor Venis presented Mrs. Forbes and Mrs. Olfern with Keys to the Town.

##### **4.2 Davie/Cooper City Chamber of Commerce**

Cara Pasquale, President, advised of the events that the Chamber was planning.

##### **4.3 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej**

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: tackle football (begins July 18; ages 8 to 15); flag football (ages 4 1/2 to 13) and cheerleading (ages 4 1/2 to 15); youth participation ceremony (June 4 - 5, 1998) and a teen program (June 15 - July 24, 1998).

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: bull riding series (June 13, 1998); rodeo nights (June 26 - 27, 1998); Concert in the Park (June 21, 1998); Independence Day celebration (July 4, 1998); and KISS concert at the rodeo arena (July 5, 1998).

John Albert, representing Waste Management, discussed an Award for Excellence Program which honored youth who assisted in enhancing the environment. He stated that Jeff Overcast, a Davie resident whose project involved recycling, was honored. Mr. Albert presented Mr. Overcast with an award and indicated that he had received a \$1,000 scholarship. Mr. Overcast thanked everyone for the opportunity to obtain a scholarship.

Mayor Venis advised that the Town's Police Honor Guard needed \$3,000 for their annual attendance at the Miss America Pageant.

Councilmember Bush 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)

Police Chief Jack Mackie announced that the Town had been awarded a \$450,000 grant for six additional police officers. He stated that two officers would be stationed at the Broward Community College and four officers would be needed because of the four recent annexations.

## **5. OCCUPATIONAL LICENSES**

### *Home Occupational License*

5.1 CompliCuts Lawn Care, 13730 SW 16 Street

Mike Bunker, representing the applicant, was present. He confirmed that the request was for mail and phone use only.

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)

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

5.2 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue (location: 6404 SW 36 Street; June 21 - July 4, 1998)

5.3 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue (location: 2701 - 2751 North University Drive; June 21 - July 4, 1998)

5.4 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue (location: 2101 South University Drive; June 21 - July 4, 1998)

5.5 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue (location: 6101 Stirling Road; June 21 - July 4, 1998)

Grant Marant, the applicant, was present.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to waive [the occupational license fee] and for the license. 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. Marant advised that the Governmental Affairs Committee for the South Broward Board of Realtors invited Council to a breakfast at the Hollywood Greyhound Track on June 18th at 9:00 a.m.

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

### **COUNCILMEMBER WEINER**

**STUDENT AWARDS.** Councilmember Weiner stated that several local students were recipients at the Miami Herald's Silver Nights Award ceremony on June 2, 1998. He advised that a student from Western High School received first place in the business field for a subject regarding the Jimmy Ryce Foundation for Missing Children in South Florida. Councilmember Weiner announced the names of students who received honorable mentions.

### **VICE-MAYOR COX**

**HURRICANE CLEANUP.** Vice-Mayor Cox reminded everyone of hurricane season and the Town's hurricane cleanup was scheduled for July 11 - 12, 1998. She explained that this cleanup was for yard trash only and indicated that dumpsters would be set up at the Ivanhoe and Flamingo Road Fire Stations and Bergeron

Rodeo Grounds.

**MEMORIAL DAY SERVICE.** Vice-Mayor Cox stated that she filled in for Mayor Venis during the Memorial Day events at the rodeo arena.

**ROBBINS LODGE.** Vice-Mayor Cox stated that the user rates for the Robbins Lodge site were being approved at tonight's meeting. She complimented all the individuals who were involved with the grand opening of Robbins Lodge.

**RIDGE HISTORY.** Vice-Mayor Cox stated that there was an article in the Sun Sentinel regarding the Seminoles living on the Ridge for 5,000 years; however, this was not true. She provided a history of the Ridge and the Robbins property.

#### **COUNCILMEMBER BUSH**

**ATTENDANCE.** Councilmember Bush stated that he had attended all the grand openings and groundbreaking.

#### **COUNCILMEMBER PAUL**

**ROBBINS LODGE.** Councilmember Paul stated that she enjoyed the opening of Robbins Lodge and thanked the individuals who were involved.

**STUDENTS.** Councilmember Paul congratulated the high school students who were graduating and wished them luck either in the business world or at college.

**TRAINING.** Councilmember Paul stated that she was glad to hear that the firefighters being into their training program this week. She said that a goal had been set for the Town to be ready in four months.

**HIGH SCHOOL.** Councilmember Paul stated that she was concerned regarding the superintendent's decision to drop plans for a school to be located in the City of Weston. She indicated that she had sent a letter to the superintendent indicating that she knew the importance of improvements and renovations in the east areas; however, because of the rapid growth and road conditions near Western High School, the population at Western High School could not continue to be increased.

**BUDGET REQUESTS.** Councilmember Paul stated that Council received letters from different charitable organizations asking for assistance and she thought the work that Women in Distress did was commendable. She asked that their request be considered during the budget meetings.

**GOLF TOURNAMENT.** Councilmember Paul advised that the Soroptimists would be holding a golf tournament at Flamingo Lakes Country Club on August 29, 1998.

#### **MAYOR VENIS**

**ATTENDANCE.** Mayor Venis stated that he attended all the grand openings and groundbreakings, specifically Poinciana Homes.

**ROBBINS LODGE.** Mayor Venis congratulated the individuals involved with the Robbins Lodge.

**WAVERLY HUNDRED.** Mayor Venis stated that he had attended the Waverly Hundred homeowners meeting regarding blasting. He advised that a meeting with the residents would be scheduled to discuss this matter. Mayor Venis stated that the Publix shopping center was also a concern and commented that a meeting would be held with the County regarding the landscaping and walls.

**LANDSCAPING.** Mayor Venis stated that on June 5th, representatives from the Florida Department of Transportation would be in the Ivanhoe area to display the landscaping plans along I-75.

**WESTON HIGH SCHOOL.** Mayor Venis stated that he had attended the Broward County School Board meeting and he had spoken in favor of adding the Weston High School into the Board's budget. He indicated that the Board seemed favorable to add this high school into the budget.

**SPELLING BEE CONTEST.** Mayor Venis congratulated Stephanie Lynn Hampshire and Laurie Harris who won the spelling bee contest at Flamingo Elementary School. He stated that they teamed up to represent the area in the Florida Bowl Spelling Contest and indicated that they came in fourth.

**TREE.** Mayor Venis asked that a tree be planted in memory of Mr. Messina, a board member from Waverly Hundred, who had recently passed away.

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

**HURRICANES.** Mr. Flatley stated that the El Niño weather was slackening and the conditions were ripe for a

typical hurricane season. Chief Mackie advised that hurricane season was June 1st - November 30th and it was prudent for people to start planning. He announced that the Town's main shelter was Western High School and additional shelters would be opened if needed and these openings would be announced if an evacuation took place. Chief Mackie added that the Town had a unique plan for the temporary housing of horses before and during a hurricane, and indicated that the plan was prepared by Oak Hill Crime Watch.

## **8. CONSENT AGENDA**

### *Minutes*

8.1 February 25, 1998 - Workshop Meeting

8.2 May 20, 1998 - Regular Meeting

### *Proclamations*

8.3 Race Unity Day (June 14, 1998)

8.4 Regent Bank Day (July 10, 1998)

### *Resolutions*

**8.5 SUPPORTING PROPOSAL** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-180 FLORIDA, SUPPORTING THE PROPOSAL OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS TO LEVY AN ADDITIONAL ONE (1) CENT FUEL TAX AND TO DESIGNATE THE EQUIVALENT AMOUNT OF GENERAL FUNDS NOW USED FOR TRANSPORTATION TO BE USED EXCLUSIVELY FOR HOMELESS SERVICES. (tabled from May 20, 1998)

**8.6 SUPPORTING PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-181 FLORIDA, SUPPORTING THE MAIN STREET PROGRAM CREATED TO ASSIST FLORIDA COMMUNITIES IN DEVELOPING PUBLIC-PRIVATE EFFORTS TO REVITALIZE THEIR MAIN STREET AREAS AND AUTHORIZING AN APPLICATION TO PARTICIPATE IN THE PROGRAM.

**8.7 AGREEMENT RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-182 FLORIDA, RENEWING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE DAVIE SCHOOL FOUNDATION, INC.; AND PROVIDING AN EFFECTIVE DATE.

**8.8 CONCESSION STAND** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-183 AUTHORIZING THE TOWN OF DAVIE TO PERMIT THE DAVIE GIRLS SOFTBALL, INC. TO UTILIZE THE BAMFORD SPORTS COMPLEX CONCESSION STAND FOR THE DAVIE SHOOTOUT SOFTBALL TOURNAMENT FROM JUNE 12, 1998 THROUGH JUNE 14, 1998 AT NO CHARGE

**8.9 RATIFYING CONVEYANCE** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-184 RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S APPROVAL OF THE CONVEYANCE OF THE WEST ONE HALF LOTS 12 AND 13, BLOCK 2 OF DAVIE LITTLE RANCHES AMENDED SUBDIVISION TO PAULA L. BUCKNER; AND PROVIDING AN EFFECTIVE DATE. (5545 SW 43 Street)

**8.10 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-185 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 96-016 FROM \$12,750 IN AMOUNT TO \$1000; AND PROVIDING AN EFFECTIVE DATE. (Kenneth R. Stevens and Jo Ann R. Stevens)

**8.11 SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-186 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 7-2-97, Country

Market Place Plat, 6851 Stirling Road)

8.12 **EXTENDING BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-187 EXTENDING THE BID FOR ASPHALT RECREATIONAL PATHS. (Weekley Asphalt Paving, Inc.)

8.13 **EXTENDING BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-188 EXTENDING THE BIDS FOR FERTILIZER. (lowest responsive bidder)

8.14 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-189 BID FOR RENTAL OF PAGING EQUIPMENT AND SERVICE, CO-OP RFP 582-7936. (Paging Network of Tennessee, Inc.)

8.15 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-190 BIDS FOR SOD AND SOD INSTALLATION, CO-OP BID 298-002. (lowest bidder for each item)

8.16 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-191 BIDS FOR LAWN MAINTENANCE FOR PARK LOCATIONS. (lowest bidder on for each site; \$133,630.90 year)

8.17 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-192 BID FOR JANITORIAL SERVICES FOR PARK LOCATIONS. (AAA & Associates; \$30,240 year)

8.18 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-193 BID FOR PORTABLE RADIOS, SCHOOL BOARD OF PALM BEACH COUNTY BID NO. SB 97C-145J. (Motorola, Inc.; \$18,509)

8.19 **WAIVE BIDDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-194 WAIVING FORMAL BIDDING AND ACCEPTING THE PURCHASE OF THREE POLICE PURSUIT VEHICLES FROM PAYTON WRIGHT FORD OF GRAPEVINE, TEXAS FOR THE EXPANSION OF THE PERSONALLY ASSIGNED POLICE VEHICLE PROGRAM. (\$66,965.49)

8.20 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-195 AUTHORIZING THE PURCHASE OF VEHICLE EQUIPMENT PIGGYBACKING THE STATE OF FLORIDA CONTRACT AND ALSO THE BROWARD COUNTY CO-OP BID UTILIZING LAW ENFORCEMENT TRUST FUNDS. (\$8,831.03)

8.21 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-196 AUTHORIZING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO PURCHASE MAP BOOKS FOR THE POLICE DEPARTMENT. (\$3,294.95)

8.22 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-197 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT AMONG THE TOWN OF DAVIE, GOLDEN POND DEVELOPMENT CORP. AND BROWARD COUNTY RELATING TO THE PROVISION OF A LIEN FOR THE SECURITY TO SECURE THE REQUIRED SUBDIVISION IMPROVEMENTS FOR THE ICE PLAT; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT.

8.23 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-198 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND JOSE DASILVA AND MARIA C. DASILVA RELATING TO THE PROVISION OF A LIEN FOR THE SECURITY TO SECURE THE REQUIRED

SUBDIVISION IMPROVEMENTS FOR THE DASILVA PLAT; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT.

8.24 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-199 BID FOR PARK EQUIPMENT, AWARDED BY VOLUSIA COUNTY ON NOVEMBER 1, 1997, VALID THROUGH NOVEMBER 1, 1999. (Sports Systems International, Inc.; not to exceed \$16,000)

8.25 **RECREATIONAL TRAIL** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-200 FLORIDA, DIRECTING THE APPROPRIATE TOWN OFFICIALS TO DEVELOP A PAVED RECREATIONAL TRAIL FROM THE 3500 BLOCK TO THE 3800 BLOCK OF S.W. 136TH AVENUE.

8.3 A woman representing the Race United Day Committee of Broward County thanked Council for the proclamation. Town Clerk Reinfeld read the proclamation in its entirety which Mayor Venis presented to the representative from the Committee.

8.4 Cyril Spiro, representing Regent Bank, was present. Town Clerk Reinfeld read the proclamation in its entirety which Mayor Venis presented to Mr. Spiro.

Vice-Mayor Cox asked that item 8.11 be removed from the Consent Agenda. Mayor Venis asked that item 8.25 be removed. Councilmember Weiner asked that item 8.5 be removed for clarification.

Councilmember Weiner made a motion, seconded by Councilmember Weiner, to approve the Consent Agenda without items 8.5, 8.11 and 8.25. 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)

8.5 Councilmember Weiner asked for a clarification if this was a one- or two-cent tax. Mr. Webber confirmed that this was a one cent with the County seeking approval from the various municipalities.

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)

8.11 Vice-Mayor Cox stated that this plat needed restrictions added. Gayle Easterling, Planning and Zoning Manager, commented that a deed restriction under the previous owner had not been recorded. She indicated that the new owner had agreed to provide comparable deed restrictions which had been offered such as motor fuel pump islands, auto repair and convenience stores with operating hours after 11:00 p.m. or before 7:00 a.m. Dan Fee, representing the petitioner, advised that the petitioner was agreeable to the language as represented by Ms. Easterling.

Councilmember Bush 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)

8.25 Mr. Rawls explained the resolution. Mayor Venis asked if the residents in the 136th Avenue area wanted to speak on this issue.

John Oreima, 13621 SW 36 Court, stated that there has been considerable vehicular traffic in the area which caused an unsafe situation in the area as there was a blind spot. He stated that the project should be approved due to it providing more safety.

Tom Bowman, 13700 SW 36 Court, stated that there were a number of problems in this. He hoped the project would be approved as it would solve a lot of problems and give people access to other facilities.

Katherine Sharp, 13661 SW 37 Court, spoke in favor of the bike trails and stated that Mr. Rawls' plan satisfied the residents.

Phyllis Kowal, 14491 SW 24 Street, commended everyone who spoke at the meeting and she was glad that the situation was able to be worked out.

Councilmember Bush 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. SITE PLANS**

9.1 SP 3-4-98, Buckram Oaks Farm, 2900 Nob Hill Road (E) *Planning and Zoning Division subject to the planning report; on 05/12/98, the Site Plan Committee approved subject to the planning report, substituting the Ficus Bengimina, substituting Coco Plum for the Eugenias, providing details for the treatment at the entranceway, and bringing the landscaping plan for review on 05/26/98; on 05/26/98, the Site Plan Committee tabled the landscaping plan review (which includes substituting the Ficus Bengimina, substituting Coco Plum for the Eugenias, and providing details for the treatment at the entranceway) to 06/09/98*

Debbie Orshefsky, representing the petitioner, was present. Ms. Mellgren read the planning report.

Alan Fant, Michael Toll and Richard Arkin, also representing the petitioner were present, and discussed the project.

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)

## **10. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

### **10.0 S.W. 142nd Avenue Trail**

Susan Decker, 14140 SW 22 Place, stated that she was in favor of trails and there should be a proposal for "148" which had not yet been approved. She stated that she had taken photos of the area where the Town had taken a survey and this was not an appropriate section for what was planned. Ms. Decker stated that the section was an easement for the water canal and not for public use. She stated that in 1996, she understood that the trail would not be put in and it was not appropriate. Ms. Decker stated that she would be embarrassed to say she lived in Davie if the Town could not keep their word.

Otis Stigler, 14161 SW 22 Place, stated that the residents wanted their continued privacy and he wanted the Town to honor an agreement when it had stated that these trails would never be put in.

Dean Alexander, 13820 SW 16 Street, stated that during the last campaign, residents of the area where this trail was to be put approached him and asked him to walk the trail. He noticed there were physical problems and felt that this was not a question of trails or no trails. Mr. Alexander felt that there were legal issues such as the 1990 letter which stated that no trail would be built and if people relied on statements made by people with authority, the Town would be estopped from changing their position. In checking over some of the documents, Mr. Alexander felt that the easement was granted after some of the property was sold and transferred. He added that the easement was granted for a road and not a trail. He asked for the Council to take these matters into consideration and vote against the trail.

Mitchell Ceasar, attorney representing the homeowners, stated that Council had to consider a moral dilemma, an ethical dilemma and a legal dilemma. He indicated that the people living in the area felt there were alternative routes where the integrity of the system would not be ruined. Mr. Ceasar felt there were gapping holes in the issue of ownership of the land and how it was to be used; stating that safety issues had arisen a year ago. He discussed the letter written in 1990, which stated that the Town would eliminate any future plans for recreational projects in that area. Mr. Ceasar stated that even if the Town attempted to argue that the Town Administrator had acted beyond the scope of his authority, that was not a defense. He stated that it was a legal issue for reliance on the letter, a legal issue on the ownership of the land, and went to the issue of the city. Mr. Ceasar added that he hoped the Town would act responsibly.

Bruce Megee, 14181 SW 15 Court, provided a history of the property and provided documents for Council's review. He stated that in the past year, he had attempted to communicate information regarding property ownership to the Town and there was a lack of willingness to understand. Mr. Megee stated that the Open Space Advisory Committee and Town staff did not care who owned the land and he felt that they did not respect their neighbor's property.

Joy Yoder, 12610 SW 13 Manor, stated that when she bought her property, the Town had told her that she could install a fence, but if the Town needed the right-of-way, she would have to relinquish her rights. She was given access but not the right to own the property. Ms. Yoder provided an overview regarding the safety of the area and indicated that there was a lot of unusable land.

Bob Hoth, 1361 White Stone Way, stated that the only concern he had with the trail was one of safety.

Randy Mazie, 14161 SW 21 Street, stated that the Town had made a promise in 1990 that there were no future recreational plans and trails for that area. He indicated that safety was a big issue for everyone involved and signs were needed. Mr. Mazie asked the Town to keep its promise.

Sandy Armis, 14490 SW 21 Street, stated that a promise was made in 1990, but the government was made and run by the people. He asked that everyone support this issue.

Monroe Kiar, 13431 SW 16 Court, stated that a tough decision needed to be made and it was a shame there was a dispute. He felt the concerns raised by Mr. Megee had been raised back in 1990 and the Town Administrator would not have written the letter without authorization.

Hilda Testa, 6741 NW 27 Street - Sunrise, stated that the 1990 letter was written in order to deny a proposal for a recreational trail along the corridor and the State of Florida defined a recreational trail as an eight foot wide path that could accommodate bikes, etc. She indicated that a recreational trail was not what was being requested. Ms. Testa stated that the ownership issue needed to be researched and she wanted to enter on record the 119 signatures of Town residents that had been collected. She stated that the Town needed to take more action in developing the rights-of-way and she felt safety was a more important issue than privacy.

Sandy Switzer, 13510 SW 29 Street, stated that it was necessary to develop an equestrian trail on SW 142 Avenue and the majority of the people opposing the trail had a selfish reason for doing so. She felt that these individuals had used the land not owned by them without cost for too long a period of time. Ms. Switzer agreed that some individuals were inappropriately advised that they could use the land, but there was a current need for the use of the right-of-way. She felt the equestrian trail was much more a benign use than a paved road and asked Council to vote in favor of this matter.

Ron Bergeron, 2111 SW 16 Street, congratulated Council and everyone who worked on the trail system because they had preserved the culture, heritage and roots of the community. He stated that he was in favor of the trails and felt that the safety of the trail system should be preserved.

Phyllis Kowal, 14491 SW 24 Street, stated that the big question was in defining a recreational trail. She felt that a recreational trail pertained to biking, rollerblading, walking, etc. and a recreational trail was not the issue - an equestrian trail was being requested. Ms. Kowal stated that the petitions that were distributed were erroneous and she felt this was a very serious issue. She asked the Council to vote for the people.

Jackie Kidwell, 1110 South Flamingo Road, stated that she represented the past. She remembered years ago how things were and she wanted to turn her time over to the children - the future of Davie.

Angela Edwards discussed riding the trails in the past and she felt things were not the same now.

Sherry Magno Remington, 1900 SW 145 Avenue, stated that she bought a home in a community where she could have a horse for her family. She advised that she had attended meetings where the privacy issue had been discussed; however, she felt safety issues were important and not easily remedied. She asked Council to approve the issue as it was an asset for the community.

Terry Santini, 4001 SW 108 Terrace, spoke about the trails and how important the issue was for the Town. She stated that people had become squatters as they had taken over rights on roadways, trails, etc. and put up fences and buildings. Ms. Santini questioned why the Town had not issued violations and indicated that the Town must protect its people.

Dan Barr, 11550 SW 37 Court, stated that it was sad that this issue forced neighbors against neighbors. He stated that he felt it was not an anti-trail issue or pro-trail issue but a legal issue. Mr. Barr stated that the people along the canal were paying taxes and, therefore, owned it. He said that he did not want to see the Town spend unnecessary legal fees, but felt this issue may lead to litigation.

Kris Lindstrom, 10766 NW 40 Street - Sunrise, stated that she could not afford to live in Davie, but what she liked about it was the horses.

Nancy Muffet, 4211 NW 49 Drive - Tamarac, stated that she would love to live in Davie but could not afford to; however, her horse lived in Davie. She felt people buying in Davie should understand that the Town was a horse community and if they did not like horses, they should live elsewhere. Ms. Muffet felt the privacy issue came down to the fact that if the people could afford the houses in the area, they could afford to put up a fence.

Penny Bolt, 13941 SW 22 Place, stated that the issues were covered very well and felt that the trail system was taken care of well in the new developments. She stated that if it was private property, then no one wanted to take someone else's private property.

Millie Cook, 14130 SW 14 Street discussed safety being a big factor and indicated that privacy should not affect the decision.

Phyllis of Sunrise stated that she boarded her two horses in Davie and used the trails in Davie. She stated that the property, to her understanding, was owned by the people of Davie as it was public land. Phyllis stated that children should not have to ride on the road and safety, not privacy, should be the issue.

Dan O'Keefe of Sunrise, stated that he boarded his horse in Davie and added that more trails were needed. He advised that the police should attempt to slow down the cars on the road.

Debbie Apolinario, 14650 SW 29 Place, stated that a group in Oak Hill felt they did not have safe trails to use and their access to the larger trails were limited. She wanted trails to Imagination Farm to be made accessible.

Brian Meeley, 14201 SW 23 Street, stated that he agreed the issue brought neighbor against neighbor. He stated that the common ground was cars scaring everyone, including the animals. Mr. Meeley felt the issue of speeding cars was not being addressed.

A woman who lived on SW 23 Street stated that she wanted to enjoy her privacy and indicated that the real problem was the cars. She did not feel she was responsible for people riding horses, falling into canals, etc. and said that she wanted the issue worked out.

Linda Bocher, 3995 SW 56 Avenue, stated that there were numerous incidents on SW 136 Avenue regarding horses. She stated that if residents were paying taxes on the property, they wanted to use it. Ms. Bocher hoped the Council would make the right decision and figure out all the legal aspects.

Mary Ann Allen, 12701 Mustang Trail, stated that Sunshine Ranches was looking to Davie for possible annexation. She said that the Ranches residents were an equestrian community and wanted to stay that way. Ms. Allen stated that there was an explosive growth in the area and things needed to be reassessed. She asked Council to do the right thing.

Kathy Hart, 17950 SW 55 Street, stated that she presently lived in an area she hoped would eventually be annexed by Davie and trails were what attracted her to the area. She said that times change and therefore, areas had to be reviewed.

Andrew Johnson, 731 SW 134 Terrace, discussed the right-of-way and safety issues.

Jay Stahl, 5801 Surrey Circle West, stated that he was neither for or against the issue. He stated that he resented people from other areas stating their views and suggested that if people in the subject area did not like horses, they should not have moved to the Town. Mr. Stahl recommended that people from other areas petition their own city for trails.

Ben Tyson, 5101 SW 199 Avenue, stated that he felt a lot of work had been done regarding the trails and hoped this work continued. He felt the equestrian industry brought a lot of money to the Town and he hoped it would keep doing so. Mr. Tyson felt the definition of a great town was one which had a lot of pride within itself, but also one that would do what the people wanted to maintain their culture.

John Pisula, 2933 SW 136 Avenue, stated that he did not own a horse, but he was aware of how important horses were to the community. He felt the people speaking against the trails should have an attorney represent them that lived in the Town itself and not outside the Town. Mr. Pisula added that he felt this was the last time the opportunity would be presented for these trails and the Town should take advantage of it.

Mayor Venis closed the public hearing.

Councilmember Weiner questioned if the Town had prepared a survey or if there were proof of the deed from when the property was originally deeded. Mr. Webber responded that there was no deed that created the right-of-way and explained that the right-of-way was created by a document entitled "Declaration of Restrictions" which was recorded among the Public Records of Broward County in February 1964. He added that this document included, among other various restrictions, the statement "the following property was reserved for easement for road rights-of-way for purposes of ingress and egress to the property and for public utilities including but not limited to, electricity, water, sewage and gas" and provided a legal description for reservation of that easement. Mr. Webber stated that the canal right-of-way was included in the document. He advised that the grantor who subsequently reserved the easement in 1968, conveyed whatever rights they had to Broward County by quit claim deed.

Mr. Webber indicated that he had asked that anyone who felt that their property was not encumbered by the easement to bring it to his attention and he had never been provided with the documents that had been circulated at tonight's meeting. He added that the Town had always been open to reviewing any documents from the residents concerning this matter. Vice-Mayor Cox indicated that this offer had been made to the residents more than a year ago, with Mr. Webber indicating that Mr. Megee was the only resident who provided him with a survey.

Vice-Mayor Cox proposed that if the residents had a problem with the right-of-way, the Town have a "drop dead" date to provide documentation. She stated that for those residents who did not object, the Town could move forward and open sections of the proposed trail. Vice-Mayor Cox addressed the letter written by the former Town Administrator and indicated that this letter had never been voted on by Council.

Councilmember Paul stated that she had reviewed the survey and after discussions with Mr. Webber and Mr. Rawls, she felt comfortable that this property was public property. She indicated that there were no decent trails in the Oak Hill area and trails to keep the children safe were needed. Councilmember Paul stated that the Open Space Advisory Committee worked with the homeowners and the bike path had been moved further away from the homes. She advised that the purpose of the Safety Summit was to educate the drivers to have appropriate manners on the road. Councilmember Paul stated the Town needed to move forward with this issue and that a vote was necessary at the present time.

Councilmember Bush stated that one of his concerns was when the moral obligation moved to a legal duty on the Town's part. Mr. Webber advised that he did not think the letter prepared by the former Town Administrator was perfectly clear and discussed questions with the actual wording of the letter. He stated that no one but Council had the authority to vacate public rights-of-way and there were specific procedures that had to be followed. Mr. Webber disagreed that the letter was a strong impediment for the Town to decide what to do with its rights-of-way at this time.

Mayor Venis questioned if there were many legal issues open on this matter. Mr. Webber stated that the legal issues would be the interpretation of the 1964 document and if this matter was litigated, a court would make a determination as to what the document meant. He stated that he was not saying that there would be a lack of issues to litigate and he could not advise the Town to ignore the document. Mr. Webber advised that the document existed and provided quite a bit of rights to the public which he thought would provide a right-of-way for the roads in the area. He stated that if a resident had acquired their property prior to 1964 and the restrictive covenant was after the property was acquired, he again requested the residents to provide him with evidence to that effect.

Councilmember Bush stated that Council was concerned with the legal consequences of its action and wanted to make sure that it did not "buy" any litigation. Vice-Mayor Cox stated that she thought the residents should have to provide documentation by a certain date and that this matter not be left open ended. She indicated that she wanted the issue resolved and

did not want to take anyone's property that did not belong to the Town; however, she reiterated that documentation had been requested from the residents one year ago and no substantial documentation had been received to date.

Mr. Rawls stated that the issues here were matters of record prior to 1964 when Art's Motor City developed the half mile land area. He indicated that there was a document recorded in 1964 and that subsequent documents recorded attempted to clarify the language in that document. Mr. Rawls referenced that if someone came in with an interest in a property in that area which was gained prior to 1964, it would indicate that Art's Motor City would not have had the ability to create the access rights and develop the property. He stated that there seemed to be no evidence of that and indicated that abstracts were no longer available as the the records storehouse had been computerized. Mr. Rawls advised that Mr. Megee provided an abstract which permitted the Town to go behind those documents and staff was able to affirm the interest was valid. He indicated that there was a quit claim deed issued by Art's Motor City to reaffirm the intent of the 1964 document which involved 60 to 70 parcels of land and there were 1 or 2 parcels that were conveyed "out title," therefore, the quit claim deed might not affect those few parcels. Mr. Rawls stated that the Town needed a document or title interest prior to 1964, but that no one had indicated that they had an interest prior to this time.

Mr. Ceasar stated that Mr. Megee provided him with an opinion letter from Ruden & McCluskey, et al, which he read regarding Richard, Ann, Roger and Joyce Quinlavin who were conveyed title to at least Tract 15 in 1964. He indicated that the Quinlavin's clearly held fee simple title to the property prior to Art's Motor Company conveying title or interest to Broward County in 1968. Mr. Ceasar added that as such, Art's Motor Company did not retain any interest in order to "convey same." He stated that the burden was not the residents but on the Town as it wanted to make use of the land under the law. Mr. Ceasar advised that it appeared Council was overlooking the

fact that the proposal "by the two blocks" did not gut the trail system nor diminish its integrity. He indicated that the proposal did take a segment out which could be rerouted. Mr. Ceasar stated that even if the Town could prove that it owned the land, there was the 1990 letter that, in his opinion, there was clear testimony of residents of detrimental reliance on this letter. He indicated that if the Town relied on the fact that the Town Administrator acted beyond his scope of authority, he knew of no case law to substantiate the Town's "victory on that point."

Councilmember Weiner made a motion that Council choose three or four sites to conduct a title search on the properties. He suggested that over the next 30 to 45 days, the residents choose a few properties in the area for the Town to determine the title for the property and whether it was public or private property.

Councilmember Paul stated that with Councilmember Weiner's motion, this issue would have to again be heard by Council. She questioned if the motion could be worded so that Council could accept the trail pending the results. Vice-Mayor Cox agreed with Councilmember Paul. Mayor Venis indicated that he agreed with Councilmember Weiner's motion as there were legal decisions that remained open and indicated that the public hearing had been closed at this meeting.

The motion died due to a lack of a second.

Councilmember Paul made a motion to accept the trail pending any legal decision regarding the investigation of the titles and abstracts.

Vice-Mayor Cox recommended that the motion include that four abstracts would be examined in detail and that if it was determined that the Town had the right-of-way and a clear opportunity to build the trail, the Town begin construction of the trail. Mr. Webber stated that some type of burden needed to be placed on the property owner. He pointed out that it may be determined that the Town had the right-of-way on the randomly selected properties but another resident may have a different situation. Mr. Webber indicated that the decision should be to either examine everyone's property or the resident's needed to provide information. He stated that examining everyone's property did not make a lot of sense and indicated that the properties that could have problems should be examined. Councilmember Bush recommended that the residents' counsel make sure that his clients provide the Town with documentation within 10 to 15 days.

Mr. Megee advised that he had already provided Mr. Rawls with documentation on five properties.

Councilmember Bush indicated that the documentation that was provided was not what was needed. Mr. Megee questioned why the burden was placed on the residents and went on to discuss the rights-of-way and the easements. He added that titles had errors that could easily be corrected. Councilmember Bush stated that Council had agreed that it wanted to resolve this issue and everyone should work together. Mr. Ceasar indicated that Mr. Megee needed to speak with his neighbors and keep in contact with Mr. Webber.

Sandy Armis, 14490 SW 21 Street, commented that he saw no reason why there was opposition to this matter and stated that the issue should be voted contingent upon the documents. He stated the residents wanted to go home knowing that Council voted for the majority of the people.

Councilmember Paul restated her motion that Council vote on accepting 142nd Avenue road right-of-way trail pending the results of the legal title search. Vice-Mayor Cox seconded the motion and asked that a time frame be included. Councilmember Bush suggested that the residents and their counsel be given 14 days to provide paperwork to Mr. Webber and then 45 days after that for the title insurance. Councilmember Paul accepted the amendment, with Vice-Mayor Cox seconding the amendment. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 3-2)

Mayor Venis and Councilmember Weiner indicated that they had voted in opposition as they had a problem voting in favor of something when they did not know what the results would be until the title searches were completed.

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

**10.1 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-24 VACATING A PORTION OF A 60 FOOT ROAD RIGHT-OF-WAY FOR HAWKE'S BLUFF AVENUE AND ADJACENT 12 FOOT UTILITY EASEMENT WITHIN THE WAVERLEY HUNDRED PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 2-1-98, Town of Davie, 6700 block of Hawkes Bluff Avenue) (tabled from May 6, 1998)**

Town Clerk Reinfeld read the ordinance by title.

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

Councilmember Bush 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 - out of room; Councilmember Weiner - yes. (Motion carried 4-0)

**10.2 EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-25 ACCEPTING A UTILITY AND ACCESS EASEMENT FROM THE TOWN OF DAVIE, AND PROVIDING AN EFFECTIVE DATE. (VA 2-1-98, Hawkes Bluff Avenue) (tabled from May 20, 1998)**

Town Clerk Reinfeld read the ordinance by title.

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

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

**10.3 BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, 98-26 FLORIDA, AMENDING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 1997-1998.**

Town Clerk Reinfeld read the ordinance by title.

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

Scot McCluskey, 2102 Nova Village Drive, commended Council on taking the first step to purchase the EMS vehicles and hiring two new employees. He hoped Council would take an aggressive approach and pursue developing a comprehensive takeover plan for EMS services which was needed for a contingency plan. Mr. McCluskey advised that the Broward County Commission had given direction to explore the joint powers agreement and he hoped that Council would accept this direction. He also hoped that other municipalities would also work with the County to combine resources and provide efficient services.

Mayor Venis closed the public hearing.

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)

#### *Vacation/Abandonment*

**10.4 VACATION - VA 3-1-98, Town of Davie, SW 36 street from Pine Island Road east 1,114 feet (to vacate 80 feet of SW 36 Street right-of-way located between Rolling Hills Golf and Tennis Club and Isla Merita Condominium) (tabled from May 20, 1998) *Planning and Zoning Division approved; Planning and Zoning Board approved***

Mr. Rawls advised that this matter was discussed at the previous Council meeting and Council had concerns as to the disposition of the right-of-way on the south side. He indicated that some of the residents of Isla Merita were not in favor of acquiring the 20 feet after the vacation; however, he had correspondence from the Florida Golf Management [Rolling Hills] official a commitment that Florida Golf Management, Inc. would be acceptable to absorb the 20 foot south of the track line into their parcel. Mr. Rawls advised that Rolling Hills did not make representations as to any stipulations to run with that land.

Mayor Venis advised that he had received a faxed petition with 37 homeowners regarding their opposition to accepting liability of trees in the right-of-way. Mr. Rawls stated that the Town had never come to a conclusion that there was any liability and he thought the issue was if the residents were interested in acquiring the 20 feet after the vacation. He indicated that he did not think there was any interest.

Jim Flannery, President of the Isla Merita Homeowners Condo Association #2, stated that the issue of the residents was with the liability. He indicated that the residents did not want the trees or the assessment.

Councilmember Weiner questioned if the property which was subject to the easement being conveyed or if Rolling Hills was willing to take title. Mr. Rawls responded that this was the intent of the letter and explained that the Town, through a vacation, would absolve a public interest in the right-of-way. He added that Florida Golf Management was committed to the issue that if the associations offered a quit-claim deed for the 20 foot vacated

right-of-way, they would accept it. Mr. Webber stated that the Town had no control over the quit-claim and clarified that the Town could only relinquish the public interest.

J. J. Sehlke, Florida Golf Management, stated that the firm had proposed a letter to confirm the intent of the acceptance of the easement.

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

Kathleen Stafford, 3625 W. Bell Drive, stated that her property was probably the closest to the subject right-of-way and advised that she was in total agreement for the Town to vacate the right-of-way so that someone would finally be responsible for maintaining the property behind her house. She indicated that she did not want a fence or structure right on the property line because of the closeness. Ms. Stafford added that as long as there was some type of guarantee that the area would be maintained "in a landscaping", that the trees would either be trimmed or removed and that no structures would be built. Mr. Sehlke replied that if the letter was reviewed, he believed that "that was our intent".

Mayor Venis closed the public hearing.

Councilmember Paul 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)

#### *Resolutions*

**10.5 REVISING FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE, R-98-201 FLORIDA, REVISING THE FEE SCHEDULE FOR PINE ISLAND POOL RENTAL FOR THE COMMUNITY SERVICES DEPARTMENT.**

Town Clerk Reinfeld read the resolution by title.

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

Councilmember Paul 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)

**10.6 ESTABLISHING FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE, R-98-202 FLORIDA, ESTABLISHING THE FEES FOR THE ROBBINS LODGE AND PATIO AREA FOR THE COMMUNITY SERVICES DEPARTMENT.**

Town Clerk Reinfeld read the resolution by title.

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

Vice-Mayor 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)

#### *Items to be tabled or withdrawn*

**10.7 WITHDRAWN BY PETITIONER**

**VARIANCE - V 4-2-98, GL Homes of Davie Corporation, 3001 Nob Hill Road**

This item was withdrawn by the petitioner.

**10.8 STAFF REQUESTING TABLING TO JUNE 17, 1998**

**VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 36 STREET, WHICH PORTION IS LOCATED BETWEEN PINE ISLAND ROAD AND ROLLING HILLS CIRCLE, AND BETWEEN THE ROLLING HILLS GOLF AND TENNIS CLUB PLAT AND ISLA MERITA CONDOMINIUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 3-1-98, SW 36 street from Pine Island Road east 1,114 feet)**

This item was tabled later in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

## **11. ORDINANCE - FIRST READING (*Public hearing to be held June 17, 1998*)**

**11.1 VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 36 STREET, WHICH PORTION IS LOCATED BETWEEN PINE ISLAND ROAD AND ROLLING HILLS CIRCLE, AND BETWEEN THE ROLLING HILLS GOLF AND TENNIS CLUB PLAT AND ISLA MERITA CONDOMINIUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 3-1-98, SW 36 street from Pine Island Road east 1,114 feet) (tabled from May 20, 1998)

Town Clerk Reinfeld read the ordinance - first reading by title only. Mayor Venis advised that a public hearing on items 11.1 would be held on June 17, 1998.

Councilmember Bush 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. RESOLUTIONS**

**12.1 INTENT TO ISSUE TAX EXEMPT BONDS** - A RESOLUTION OF THE TOWN OF R-98-203 DAVIE, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF THE BAMFORD PARK IMPROVEMENT PROJECT AND TO FINANCE THE ACQUISITION COST OF TWO EMERGENCY MEDICAL SERVICE TRANSPORT UNITS AND RELATED EQUIPMENT AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF. (\$320,000 for the Bamford Park Improvement Project; \$143,000 for the EMS Transport Units and Equipment)

Town Clerk Reinfeld read the resolution by title.

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)

**12.2 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-204 BID FOR EMERGENCY MEDICAL EQUIPMENT, DEPARTMENT OF VETERAN AFFAIRS, FEDERAL SUPPLY SCHEDULE, CONTRACT NO. V97P-3902J. (Zoll Medical Corporation; \$29,582)

Town Clerk Reinfeld read the resolution by title.

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)

**12.3 WAIVE BIDDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-205 WAIVING FORMAL BIDDING AND ACCEPTING THE BID FOR TWO (2) EMERGENCY TRANSPORT VEHICLES. (Wheeled Coach; \$135,840)

Town Clerk Reinfeld read the resolution by title.

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)

Mayor Venis asked for a motion to table item 10.8 to June 17, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to June 17, 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)

## **13. APPOINTMENTS**

**13.1 Budget Advisory Committee** (exclusive appointment - Councilmember Bush; term expires December 1998)  
Councilmember Bush appointed Terry Santini.

13.2 Site Plan Committee (one appointment per Councilmember; terms expire June 1999) (appointments to include an architect, landscape architect and an urban planner or designer whenever possible)  
Councilmember Weiner appointed Wayne Arnold. Mayor Venis appointed Jeff Evans. Councilmember Bush appointed Sam Engel. Councilmember Paul appointed Doug Amos. Vice-Mayor Cox volunteered to be the Council representative if no one wanted the position. Councilmember Paul made a motion for Vice-Mayor Cox to continue as the Council representative. In a voice vote, all voted in favor.

13.3 Affirmation of the Community Redevelopment Agency's Selection of Chairman and Vice-Chairman (Chair - Neal Kalis; Vice-Chair - Tom Gill)  
Councilmember Bush made a motion, seconded by Councilmember Weiner, to reaffirm. 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. DISCUSSION AND POSSIBLE ACTION - OLD BUSINESS**

There was no old business.

## **15. NEW BUSINESS**

### **15.1 Policy for Occupational License Refund**

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to table this item to the next meeting [June 17, 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)

### **15.2 Occupational License Fees**

Budget and Finance Director Christopher Wallace advised that the occupational license renewal process would begin soon and Florida Statutes allowed cities to adjust fees every other year. He explained that the recommendation was to raise the fees 5% as allowed by the Statute. Mr. Wallace stated that a revised fee schedule would be provided so it could be adopted in anticipation of higher fees for the renewal process beginning at the end of July. No objections were noted.

### **15.3 Self Storage Facility**

Mayor Venis explained that it seemed that the Town was seeing a number of mini warehouses moving to the Town which were allowed in a B-3 or Industrial zoning. He advised that surrounding cities either did not allow them or only allowed them in an Industrial zoning and indicated that he was requesting that mini warehouses be eliminated in the B-3 zoning. There were no objections from Council.

Mayor Venis stated that he needed to add an item to the agenda.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to add a resolution as 15.4. 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)

### **15.4 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE R-98-206 MAYOR TO EXECUTE AN ACKNOWLEDGEMENT AND CONSENT OF THE TOWN OF DAVIE TO THE ASSIGNMENT AND ASSUMPTION OF AGREEMENT BY AP-ADLER OAKES, LTD. FROM COMCAR PROPERTIES, INC.; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Webber advised that in order to realign Oakes Road, the Town had entered into an agreement with Comcar who owned property along the Oakes Road corridor. He explained that Comcar had sold the property and the Town was being asked to consent to the assignment of the benefits.

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)

Mayor Venis stated that he needed to add an item to the agenda.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to add an item. 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)

**15.5 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING THE  
R-98-207 BROWARD COUNTY SCHOOL BOARD TO COMMIT FUNDING FOR THE  
CONSTRUCTION OF A HIGH SCHOOL FOR WESTERN BROWARD COUNTY TO BE LOCATED IN  
THE CITY OF WESTON**

Mayor Venis read the resolution by title.

Councilmember Paul 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)

Councilmember Weiner advised that it appeared that a member of the Parks and Recreation Advisory Board was a Town employee and he did not know if this was a conflict. He asked Mr. Webber to look into this.

**16. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 12:19 a.m.



