

**TOWN COUNCIL
REGULAR MEETING
JULY 1, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 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, commended Council on its meeting of June 24th which would make the Town's firefighters "whole" and would make the open public meetings official. He discussed an article in the Sun Sentinel regarding Judy Stern.

Frank Snyder, 3458 Evergreen Place, stated that the proposed ad hoc member for the Site Plan Committee would create another level of bureaucracy and businesses wanted to reduce the level of trouble in getting site plans approved.

Dean Alexander commended Mayor Venis' procedure for handling complaints. He discussed two complaints that he had made and advised that he had received a response within a few days. Mr. Alexander commented on the satisfactory customer service that he received from the Building Division.

4. PRESENTATIONS

4.1 Joint Powers Presentation

Rodger Dejarlais, Broward County Administrator, discussed the concept of joint powers for the delivery of fire rescue service. He stated that the joint powers agreement would provide for a geographic collection of entities who would have a fire rescue delivery system by sharing resources while maintaining individual autonomy without regard for boundary lines.

Frank Buchart, Director of Fire Rescue - Broward County, Rob Hernandez, Assistant to the Director - Broward County Human Services, and Battalion Chief Pat McAllister, discussed the joint powers agreement and presented a slide show with a lengthy discussion following. During the discussion, Chief McAllister indicated that the County was prepared to offer to staff a Davie fire station, such as Station 91, with the apparatus and staff from County Station 15. She stated that operational control of the apparatus and staff would be under the Town's Fire Department. Chief McAllister added that the County would be willing to provide to help facilitate the Town's transition in providing its own rescue service: extensive training, rescue training exchange program, and reserve rescue vehicles. Regarding the protection of the Town's staff, Mr. Buchart advised that the existing union contracts would be combined where possibly and where not possible, there will be separate articles that applied to different employees. He stated that it had been recommended that because of the different cities' chiefs, there would be joint chiefs and through attrition, the number of chiefs would be determined on need and cost saving. Mr. Buchart added that if the agreement did not work, the County would continue to provide a facility, staffing, and engine at Pine Island Ridge and the Town would have a station "a few doors down" to protect the Town. He advised that at a projected cost for the joint powers was \$220 per home on an average and would increase the level of service to include staffing of four med units in the Town.

Mr. Buchart advised that the County would be willing to help the Town phase in to a single tiered system. He indicated that the County had reserve apparatus but would need to recover personnel costs.

Councilmember Weiner requested that a meeting be scheduled to explore the implementation of a joint powers agreement.

4.2 Building a Better Davie Design Award

Margaret Wu, Economic Development Coordinator, stated that the Second Annual Building a Better Davie Design Award would be held in October. She explained the Award's seven categories and added that the deadline

was August 27, 1998. Ms. Wu advised that the Awards would be presented at the Davie Economic Development Council's Annual Meeting.

4.3 Davie/Cooper City Chamber of Commerce

Doug Bleckie advised of the events that the Chamber was planning.

4.4 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej (Trophy Award)

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: registration for flag football and cheerleading (ages 4 1/2 to 13) and tackle football and cheerleading (ages 8 to 15); Senior Volunteer Council meeting (July 17th); seniors attending a Marlins baseball game (July 21st); and senior pot luck luncheon (July 27th).

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Town of Davie Annual Independence Day Celebration (July 4th); Independence Jam at the rodeo arena (July 5th); Concert in the Park (July 19th); and Five Star Rodeo (July 24th - 25th).

Ms. Stafiej advised that at the Town's Annual Town of Davie Employee Picnic, Councilmember Bush and Mr. Flatley lost the horseshoe tournament to Police Lieutenant Gary Killam and Maintenance Technician Dennis Melegari. Councilmember Bush presented the trophy to Lieutenant Killam and Mr. Melegari.

4.5 Appreciation to Picnic Volunteers on June 14, 1998

Mayor Venis thanked the Employee Picnic Committee for their efforts. He presented Certificates of Appreciation to Wings of Gold, Programs Manager Will Allen and the Uncle Tooties Barbecue Team.

4.6 Rocky Rodriguez, Deputy Director of the Broward County Property Appraiser's Office, advised that a branch office had been opened at the Pines Conference Center located at 10211 Taft Street. He explained that in an effort to serve the public, the Property Appraiser's Office had expanded its line of services at the branch office to include: commercial/personal property inquiries, homebound program for the disabled, homestead filing, property research, public information, maps, and subdivision books.

5. OCCUPATIONAL LICENSES

Home Occupational License

5.1 DNB International, Inc., 2420 SW 131 Terrace

David Brecher, 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)

Mayor Venis announced that item 8.9 needed to be tabled to July 15, 1998.

Councilmember Paul made a motion, seconded by Councilmember Bush, 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 item 9.1 needed to be tabled to July 15, 1998.

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

6. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

BIRTHDAYS. Councilmember Weiner wished Mayor Venis and Councilmember Bush a happy birthday.

MED UNITS. Councilmember Weiner announced that the Town had obtained its two med units which still needed to be detailed.

ELECTRONIC AGENDA PACKET. Councilmember Weiner stated that Council had recently held a

workshop and had been provided with an electronic Council agenda packet. He hoped that the Town would try to become paperless.

VICE-MAYOR COX

HURRICANE CLEANUP. Vice-Mayor Cox reminded everyone of hurricane season and the Town's hurricane cleanup was scheduled for July 11th - 12th. 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. Vice-Mayor Cox stated that an electric or tax bill was needed to show proof of residency.

NEWSPAPER ARTICLE. Vice-Mayor Cox stated that the Sun Sentinel erroneously reported that the Broward County Planning Council had denied the Town's request for a land use amendment to designate property as an employment center. She indicated that as a member of the Planning Council, the Center had approved the amendment with the caveat that the traffic and drainage issues be reviewed.

WEDDING ANNIVERSARY. Vice-Mayor Cox wished her parents a happy 53rd wedding anniversary.

COUNCILMEMBER PAUL

SENIOR CITIZEN CENTER. Councilmember Paul stated that she had received a number of calls in support of a permanent senior citizen center and hoped the Town would move forward with this project.

PUBLIC SAFETY COMPLEX. Councilmember Paul stated that she had toured the new public safety complex and was happy that the construction was on schedule.

FIRES IN NORTHERN FLORIDA. Councilmember Paul stated that a lot of the different fire departments had sent personnel and equipment to help fight fires in the northern areas of Florida. Fire Chief Michael Donati stated that he had received two requests for personnel from Broward County, however, little notice had been received. He indicated that if timely notice was provided, he would be able to provide personnel. Mr. Flatley stated that he would look into this issue.

PVC PIPE. Councilmember Paul stated that there was a PVC pipe that was draining water into the canal on 142nd Avenue behind Carlton Ranches. Utilities Director Dan Colabella advised that this pipe belonged to the City of Sunrise and was used to flush the Carlton Ranches system.

MED UNITS. Councilmember Paul stated that she was excited that the med units had been received.

COUNCILMEMBER BUSH

HOLIDAY. Councilmember Bush hoped everyone would drive safely over the holiday and would enjoy the events.

MAYOR VENIS

BIRTHDAYS. Mayor Venis wished Councilmember Bush and Jack Hardy a happy birthday.

WAVERLY HUNDRED. Mayor Venis stated that he attended a Waverly Hundred Board of Director's meeting regarding the development of Coquina's Publix. He advised that landscaping and signage would be readdressed, however, the wall issue would continue to be addressed.

BLASTING. Mayor Venis stated that on July 13th, a meeting was being held at the Ivanhoe Community Center to address blasting.

PARK CITY. Mayor Venis stated that he had addressed the residents in Park City and indicated that most of the residents were happy to become part of the Town on October 1st.

TRAFFIC SIGNAL. Mayor Venis stated that in approximately 90 days, a signal would be installed at Shotgun Road and 14th Street.

USS LEYTE GULF. Mayor Venis stated that he and Vice-Mayor Cox attended an event for the USS Leyte Gulf which was a ship adopted by Silver Ridge Elementary School.

POLICE ATHLETIC LEAGUE (PAL). Mayor Venis stated that Peter Warwick would be obtaining toy cars which depicted the Town of Davie emblem to sell at his hobby store as a fundraiser for the Town's PAL. Police Chief Jack Mackie added that Mr. Warwick would also be selling numerous other items with the Town's logo to benefit PAL.

FLAMINGO ELEMENTARY. Mayor Venis stated that he had received a letter from Kathleen Morris, Principal of the Flamingo Elementary School, who was looking for help in providing basketball courts. Vice-Mayor Cox stated that she thought the Community Block Development Grant funds were to be used for the

basketball courts. Development Services Director Michele Mellgren announced that the Federal Community Development Block Grant was slated to build the basketball courts this year.

7. TOWN ADMINISTRATOR'S COMMENTS

CITRUS CANCKER. Mr. Flatley stated that the Department of Agriculture provided brochures on citrus canker which was available to anyone who was interested.

8. CONSENT AGENDA

Minutes

8.1 May 6, 1998 - Regular Meeting

8.2 June 17, 1998 - Regular Meeting

Proclamation

8.3 Parks and Recreation Month (July 1998)

Resolutions

8.4 EXPENDITURE OF FUNDS - A RESOLUTION OF THE TOWN OF DAVIE, R-98-226 FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO BE USED BY THE DAVIE POLICE DEPARTMENT. (\$4,000 for investigative purposes)

8.5 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-227 AUTHORIZING A REVISION TO THE WEST PARK - EAST PARCEL PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 5-2-98, 13601 Shenandoah Parkway)

8.6 CLASS SPECIFICATIONS - A RESOLUTION OF THE TOWN OF DAVIE, R-98-228 FLORIDA, CREATING THE CLASS SPECIFICATION FOR DEVELOPMENT SERVICES DEPUTY DIRECTOR AND CONSTRUCTION TECHNICIAN IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND RECLASSIFYING THE BUILDING OFFICIAL AND CARPENTER IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.

8.7 RATIFICATION OF CONTRACT AMENDMENT - A RESOLUTION OF THE R-98-229 TOWN OF DAVIE, FLORIDA, RATIFYING AN AMENDMENT TO ARTICLE 11, ENTITLED "PENSION PLAN," OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS; AND PROVIDING AN EFFECTIVE DATE.

8.8 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-230 BID FOR OAKES ROAD/BURRIS ROAD REALIGNMENT. (Bergeron Land Development - \$1,848,000)

8.9 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE CHURCH OF CHRIST PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 6-3-98, north side of Orange Drive at intersection with SW 92 Avenue)

Ordinances - First Reading (Public Hearing to be held July 15, 1998)

8.10 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE III, ENTITLED "TOWN COUNCIL" BY ADDING THERETO SECTION 2-42 ENTITLED "INTERFERENCE WITH ADMINISTRATION", PROVIDING FOR PROHIBITION FROM INTERFERING WITH VARIOUS EMPLOYEE RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

8.11 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,

AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-32, ENTITLED, "TABLE OF PERMITTED USES," SUBSECTION (B), "COMMERCIAL, OFFICE AND BUSINESS DISTRICTS," TO PROHIBIT MINI WAREHOUSE/SELF STORAGE AS A PERMITTED USE WITHIN THE B-3 AND FB ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Paul asked that items 8.2 and 8.10 be removed from the Consent Agenda. Vice-Mayor Cox asked that item 8.7 be removed. Councilmember Weiner asked that item 8.6 be removed.

Town Clerk Reinfeld read the ordinances-first reading by title only. Mayor Venis advised that a public hearing on items 8.10 and 8.11 would be held on July 15, 1998.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve the Consent Agenda without items 8.2, 8.6, 8.7 and 8.10 [item 8.9 was previously tabled]. 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)

8.2 Councilmember Paul requested that the minutes reflect her comments regarding the review of permitted commercial endeavors on A-1 properties.

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)

8.6 Councilmember Weiner stated that he appreciated Building Official Jim Smith's work and congratulated him on his job reclassification. Mayor Venis thanked Mr. Smith for his efforts.

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)

8.7 Vice-Mayor Cox explained the Town's costs associated with the police and fire pension boards. She indicated that Council had negotiated to consolidate the pension boards as this would save up to \$100,000 a year.

Vice-Mayor Cox stated that in return for the firefighters agreeing to consolidate, the firefighters would receive the DROP plan. She indicated that Council was now being asked to provide the DROP plan and excusing the firefighters to "live up" to their part of the agreement. Vice-Mayor Cox stated that she did not think this was right and it was not fair to the taxpayers. She added that she felt that this should be discussed during collective bargaining meetings.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. Mayor Venis stated that he thought the agreement was not to consolidate the boards but to take a vote. Vice-Mayor Cox disagreed and read the contract which indicated that the fire union would vote to approve the consolidation. Mr. Flatley advised that the Town had agreed to reopen the contract with the specific intent to delete the consolidation of boards provision from the contract. Mayor Venis stated that the Fraternal Order of Police was not in favor of consolidation.

Vice-Mayor Cox advised that she was not opposed to the DROP plan but was opposed to the Town giving something away and not getting anything in return.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 3-2)

8.10 Councilmember Paul stated that she had a problem with this ordinance as a policy had not been needed in the past. She added that she had previously indicated that she wanted to see fair and equal treatment of all individuals and she was concerned that there would be selective enforcement. Mr. Webber advised that the ordinance was drafted with equal application to everyone. Councilmember Paul indicated that she would be voting against the ordinance.

Mayor Venis stated that Councilmember Bush had discussed this issue on several different occasions over the years. Mayor Venis added that he currently followed the procedure as indicated in the ordinance.

Councilmember Weiner stated that he had a problem with an ordinance that restricted Council from dealing with staff while anyone else could. He questioned how could Council monitor and interact with Mr. Flatley for his evaluation if Council had no input on how he administered things. Councilmember Bush responded that Council

had every right to speak with Mr. Flatley and Council did affect staff when a request was made. He advised that he thought this should be codified. Councilmember Weiner indicated that he had a problem with the ordinance as Council recently voted to not give Mr. Flatley a raise and "hold him hostage until November as to what Council was to decide".

Mayor Venis stated that a number of comments made at a previous meeting was for Mr. Flatley to be more hands on and this ordinance would direct all matters through Mr. Flatley.

Mr. Webber explained that this ordinance primarily addressed influencing the Town Administrator with respect to appointments or hiring of employees. He added that the ordinance also addressed that communications of staff must be through the Town Administrator. Vice-Mayor Cox stated that she thought the ordinance protected staff which she thought was important. Mayor Venis questioned if this ordinance precluded Council from asking staff questions. Mr. Webber responded that this ordinance preserved the right of inquiry.

Councilmember Weiner recommended that the ordinance be amended to state that any employee of the Town who was requested by a Councilmember to perform functions, shall be entitled to contact the Town Administrator to review such request. There were no objections from Council. Mr. Flatley stated that he needed to know when Council had concerns on an issue and communication was critical. Discussion followed on the discretion of staff with Mayor Venis indicating that he would not expect staff to contact the Town Administrator on minor tasks such as faxing pages from the Code.

Councilmember Paul reiterated that as a Town Administrator form of government, an ordinance of this nature was not needed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table until Mr. Webber prepared language for the next meeting [July 15, 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)

9. SITE PLANS

9.1 SP 11-4-97, Stor-All, 3700 South University Drive (B-3) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved on June 9, 1998, subject to the planning report with the exception of the condition listed as number 3, moving five oak trees from the south property line to the north side, changing the oak trees to mahogany trees and placing them as high up in the retention area as possible, removing all evasive species of trees and shrubbery on the east side of the property and, if the existing trees are not acceptable, that mahogany trees be planted 40 feet on center; changing the one 20-foot mahogany to match the existing Magnolia trees; providing a color elevation, as well as samples of the paint chips and an indication of the color for the fence material, having the footprint to show the air conditioning system assuring that none of the machinery could be seen from adjacent properties; and, bringing the elevations and sample materials back to the Committee on June 23, 1998, and approved on June 23, 1998, subject to the planning report*

This item was tabled earlier in the meeting.

9.2 SP 12-7-97, Workspace, University Place, 5365 University Drive (CC) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

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

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve subject to the Planning and Zoning Division's and Site Plan Committee's recommendation. 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)

9.3 SP 3-2-98, 595 Park of Commerce, 11850 State Road 84 (CC) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report; patterning the trees; and, putting the grill work and parapet detail on the south elevation of building "D"*

Frank Perez, representing the petitioner, was present. Ms. Easterling read the planning report 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 recommendation. 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)

9.4 SP 4-1-98, Don Pablo Restaurant, 3500 South University Drive (B-3) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report as amended by incorporating staff's comments under "a," "i," and "j"; deleting the comments under "b," the first "d," "e," and "g"; changing the wax myrtles to pink Tabebuia; leaving the wax myrtles on the drive-way area; adding two 18 foot foxtail palms at each side of the entrance and relocating the Roebelenii; using Eugenia mortiflora, seven gallon, and deleting the last sentence; changing "k" to provide colorful ground cover, to be approved by staff, on the berm along University Drive; replacing 16 foot buttonwood on the northeast corner of the site and replacing it with a 16 foot mahogany; removing the 16 foot green buttonwood at the southwest corner of the site and replacing it with a 16 foot foxtail palm; approval of the lighting by the Engineering Division prior to issuance of the building permit; and, raising the parapet to screen the roof equipment unless an alternate screening system was brought before the Committee for its consideration*

Steve Denby, representing the petitioner, was present. Ms. Easterling read the planning report. She advised that the Site Plan Committee's recommendation was not accurately reflected and she wanted to listen to the tape from the meeting. Vice-Mayor Cox explained that the Site Plan Committee's concern was that the refrigeration and air conditioning equipment would stand above the building and the Committee had requested screening.

Ms. Easterling stated that she believed that the Committee's exact motion was to incorporate staff's comments 1a, 1i and 1j and explained that there was a typographical error on the planning report as there were two "d's" with the second "d" becoming item #3 on the Committee's recommendation. She added that she also believed Mr. Aucamp authorized that fox tail or other designer palms such as Carpentaria be used. Ms. Easterling also believed the motion was that the proposed wax myrtle could be changed to 14 to 16 foot pink Tabebuia; the two palms at the front of the building at the entrance way and moving the Roebelenii away from the doorway; the shrub heights needed to be increased to 36 inches around the dumpster with additional screening around the work area on the east side; ground cover along the berm on University Drive with the material being left open to staff discretion; removing existing trees that were in poor condition and replacing the trees with other species. She indicated that the remaining noted Committee's recommendation were fine and reiterated that staff would listen to the recorded minutes of the meeting to make certain.

Mr. Denby stated that he would like to present a roof screen proposal to the Site Plan Committee.

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 recommendation as clarified by staff. 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 questioned the status of the guidelines for site plans. Mr. Webber confirmed that he would be able to provide a report in the next few weeks.

10. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

10.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-28 AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES BY ADDING THERETO UNDER ARTICLE III, A NEW SECTION TO BE NUMBERED 25-32; PROVIDING FOR EMERGENCY UTILITY RATE STRUCTURE AND RESTRICTIONS FOR LANDSCAPE WATERING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

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

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

10.2 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF 98-29 DAVIE, FLORIDA, APPROVING APPLICATION LABC-98-1A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING EXISTING POLICIES AND AN OBJECTIVE, AND ADDING NEW POLICIES RELATING TO THE "REGIONAL ACTIVITY CENTER" DESIGNATION; BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM: "RESIDENTIAL," "RESIDENTIAL/OFFICE," "COMMERCIAL," "COMMERCE/ OFFICE," "INDUSTRIAL," "UTILITY," "COMMUNITY FACILITY," "RECREATION AND OPEN SPACE," AND "AGRICULTURE"; TO: "REGIONAL ACTIVITY CENTER"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

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

Al Tyler, 8090 SW 19 Court, discussed the amendment which he was opposed to. Ms. Mellgren explained the ordinance indicating that this ordinance did not affect the zoning or use of someone's property. She added that the designation of Regional Activity Center did not create any non-conforming use in the area nor did it increase density or intensity beyond what was already permitted.

Councilmember Paul stated that the area being amended provided for a mixed balance of uses.

Mr. Tyler reiterated his opposition to the ordinance stating that he liked checks and balances.

Mayor Venis closed the public hearing.

Councilmember Paul questioned what the checks and balances were at the local level. Ms. Mellgren explained that Council was responsible for the checks and balances.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. Councilmember Weiner disclosed that he had spoken with Mr. Tyler on this ordinance. 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)

10.3 LAND USE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF 98-30 DAVIE, FLORIDA, APPROVING APPLICATION LABC 98-1C, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP BOUNDARIES TO DEPICT LANDS ANNEXED INTO THE TOWN; ASSIGNING TOWN OF DAVIE LAND USE PLAN DESIGNATIONS TO THE ANNEXED LANDS CONSISTENT WITH THEIR BROWARD COUNTY LAND USE PLAN DESIGNATIONS PRIOR TO ANNEXATION; TRANSMITTING THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

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

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

10.4 AMENDING RATE SCHEDULE - AN ORDINANCE OF THE TOWN OF DAVIE, 98-31 FLORIDA, AMENDING THE TOWN'S OCCUPATIONAL LICENSE RATE SCHEDULE IN ACCORDANCE WITH CHAPTER 205.0535(4) OF THE FLORIDA STATE STATUTES BY INCREASING THE RATE OF EACH CLASSIFICATION BY FIVE PERCENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

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

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)

10.5 SUSPENSION OF REVIEW OF SITE PLANS/BUILDING PERMITS - AN 98-32 ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NOS. 96-29, 96-52, 97-017 AND 97-68 BY REINSTATING AND EXTENDING TO OCTOBER 14, 1998, THE SUSPENSION OF REVIEW OF SITE PLANS OR BUILDING PERMITS FOR ANY AND ALL EXISTING OR PROPOSED SPECIAL RESIDENTIAL FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

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

Mr. Flatley stated that the alternative to passing this ordinance was to move forward and adopt the Florida Statutes which must be done. He indicated that this ordinance began a zoning in progress which had the same effect in preventing special residential facilities from requesting approval. Mr. Flatley suggested that the Florida Statutes be adopted rather than extend the moratorium for a third year. Councilmember Bush agreed.

Councilmember Paul questioned if the Town could maintain the moratorium at the same time as a zoning in progress. Ms. Mellgren explained that besides a Zoning Code amendment, a comprehensive plan text amendment was needed. Councilmember Paul suggested that Council accept the suspension of review and move forward with "going into compliance" with the Florida Statutes. Mr. Webber stated that this was feasible if Council wished.

Vice-Mayor Cox indicated that she did not want to postpone the adoption of the State legislation.

Councilmember Paul made a motion, seconded by Councilmember 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)

Mayor Venis closed the public hearing portion of the meeting.

11. APPOINTMENTS

11.1 Open Space Advisory Committee (two exclusive appointments per Councilmember; term August 1998 to July 1999)

Councilmember Weiner appointed Barbara Rosen and deferred his second appointment. Vice-Mayor Cox appointed Sandy Switzer and Debbie Carr. Mayor Venis appointed George Greb and Robert Hoth.

Councilmember Bush appointed Orlando Huguet and Larry Lane. Councilmember Paul appointed Phyllis Kowal and Tony Webb.

12. DISCUSSION AND POSSIBLE ACTION - OLD BUSINESS

There was no old business for discussion.

13. NEW BUSINESS

13.1 Proposed Ordinance for Site Plan Committee Matters

Vice-Mayor Cox stated that this ordinance would provide for an individual with landscaping expertise as the Town did not have someone on staff to deal with landscape issues. She explained that the Committee had requested that she bring this matter before Council.

Councilmember Paul questioned the status of hiring a landscaper. Ms. Mellgren indicated that she was requesting this position in the upcoming fiscal year's budget. Councilmember Paul indicated that she would like to see a landscape architect for this position.

Mayor Venis stated that he did not believe that a landscape architect was needed and agreed that an expert was needed on staff. He suggested having a landscape architect review plans on a case-by-case basis and the Town could retain Mr. Aucamp to provide this service. Councilmember Bush questioned if this review would provide a conflict for the individual doing business in the Town. Mr. Webber responded in the affirmative. Vice-Mayor Cox agreed that a staff person was needed. Mayor Venis suggested that Jim Aucamp be paid until October on a case-by-case basis. Councilmember Weiner agreed that a staff person was needed. He indicated that it was not a bad idea to have someone help the Committee but he did not know why the suggestion of a sixth member had to be codified. Councilmember Paul questioned why an individual could not volunteer to meet with staff on issues.

After some discussion, Vice-Mayor Cox made a motion to approve for the ordinance to be placed on the next agenda for first reading. The motion died due to a lack of a second.

Councilmember Weiner questioned if anything prohibit the Committee from requesting assistance from a landscaper. Mr. Webber responded negatively if the assistance was purely voluntary, however, the Committee's authority was set forth in the document which created the Committee. He stated that he would have to research to determine if a landscaper would have any authority to take any action.

13.2 Bar-B-Ranch discussion

Ms. Mellgren explained that the Bar-B-Ranch had received a special permit and several issues had been raised from the neighbors with the most recent being the odor. She stated that there were several conditions imposed at the time the special permit was approved with one being the effects that this facility would have on the community. Ms. Mellgren indicated that Council had asked that when the facility came back for site plan, consideration be given to the location of uses in certain areas. She advised that one outstanding issue at this time was that Bar-B-Ranch had not applied for site plan. Ms. Mellgren stated that the Town's Special Master had given the owner of the Bar-B-Ranch 60 days to eliminate the odor.

Mayor Venis stated that there was a lot of dust blowing into the neighbor's pool and questioned if staff had determined if Bar-B-Ranch's activities were to be on certain portions of the property. Ms. Mellgren indicated that she believed that the most intense activity would be on the southwest portion of the site and there were a number of other issues that Council discussed at the time the special permit was considered: screening, noise, odor, dust, drainage, etc. Mayor Venis stated that the site plan process was needed to address the issues.

Councilmember Paul indicated that the times she visited the site, she did not denote any odor. She asked that the Florida Statutes be reviewed as Mr. Hurley indicated that a special permit was necessary with an A-1 zoning. Mr. Webber advised that he had received a letter from Mr. Hurley on this matter but Mr. Webber did not know if the Statute would apply to Mr. Hurley's use of the property. Mr. Webber added that Mr. Hurley's position was that the use of the property for agricultural purposes did not constitute development and the Town had no authority to control the use. He stated that this was a fundamental legal issue and he had been reviewing the matter.

Councilmember Paul stated that Mr. Hurley would like to be a good neighbor and would do whatever it took to be accepted by the community. She suggested that Mayor Venis meet with Mr. Hurley. Mr. Webber indicated that once Mr. Hurley provided a list of uses on the property, a meeting with staff could be scheduled. Mayor Venis stated that once Mr. Webber had completed his research, a meeting with Mr. Hurley would be scheduled.

Vice-Mayor Cox felt that if there was a port-a-let on the property, there was a need for a bathroom which indicated to her that some construction was needed. Councilmember Paul advised that there were currently structures on the site with bathrooms so a port-a-let was not needed.

Mr. Hurley stated that if the neighbors had a problem with what he was doing, he would meet with the individuals to address the concerns. He provided a history of the site and indicated that he had been put through "a lot of stuff" which he should not have had to go through. Mr. Webber asked that Mr. Hurley contact him to discuss exactly what was being done on the property. Council concluded that this matter would be reviewed after Mr. Webber had completed his research.

13.3 Establish a ten-member standing committee to promote the well-being of Davie's agricultural/equestrian community (70 percent of the membership has to represent the agricultural/equestrian community and membership shall not be restricted to Davie residents so as to include input from contiguous communities with similar interests)

Councilmember Paul stated that this committee would provide an opportunity for nurseryman, farmers and equestrians to meet and promote businesses related to them. She indicated that this committee could work on a local definition of farm building and could promote equestrian events. Councilmember Paul added that the committee could also have ex-officio, non-voting members representing contiguous communities with similar agrarian interests. She stated that this committee could extend the portion of the Charter which indicated that the Town would promote natural resources and rural and equestrian lifestyle. Councilmember Paul recommended that an ordinance establishing this committee be prepared for the next meeting.

After some discussion, Mayor Venis recommended that Council review a similar Broward County committee's report. Vice-Mayor Cox stated that if this committee was created, that it be created for a year with Council making

an assessment on the committee. Ms. Mellgren indicated that Council might want to address the committee's specific tasks.

13.4 Water Franchise

This item was not discussed.

13.5 Registration of Lobbyists

Mr. Webber stated that the ordinance provided that information had to be disclosed on each of the lobbyist's principals which he read to mean that information needed to be provided on all principals regardless of doing business in the Town. He indicated that if this was not Council's intention, the ordinance needed to be corrected. Councilmember Weiner advised that this was not his intent.

Councilmember Paul indicated that she had presented additions and changes late this afternoon and recommended that this issue be discussed at a workshop. She stated that this would allow Council time to review the additional documents.

Vice-Mayor Cox stated that she had some concerns with the proposed ordinance as she thought labor attorneys and collective bargaining issues should be included in the disclosures. She explained that 65% of the budget was spent on salaries for employees who were represented by union attorneys.

Councilmember Bush advised that he had requested Mr. Webber to prepare an ordinance similar to the County's ordinance. He indicated that he was concerned with the proposed ordinance's language regarding the nullity of the vote of the representative of the people.

Mayor Venis stated that at a previous workshop, Council had requested Mr. Webber to review penalties as prescribed by law. Mr. Webber explained that the penalties were provided by the Town's Code and were the maximum allowable under the Florida Statutes. Councilmember Paul questioned if the penalty was for the lobbyist or the principal with Mr. Webber indicating that the penalty would be that of the lobbyist.

Councilmember Weiner advised that at the workshop, Council had also agreed that the nullification might have been the extreme in determining the worse case scenario and there were concerns if this could be enforced. He indicated that Council had agreed to require the principal to sign off on the disclosure form or provide notice that the lobbyist had registered with the Town.

Mayor Venis recommended that Mr. Webber review issues that were brought up at the workshop meeting and the documents provided by Councilmembers Bush and Paul. He recommended that a chart of the different documents being prepared and returned to Council.

13.6 Parks Bond Issue and Referendum

Mr. Flatley indicated that the Town was pursuing the placement of a referendum question on the November ballot and advised that the Parks and Recreation Advisory Board had held a number of meetings on this issue. He stated that the Board would be making a priority list to be presented to Council with Council refining the list by the second meeting in August. Ms. Pierce-Kent advised that the list of possible park projects was continuing to be redefined and indicated that the Board would be holding a public hearing on July 20th.

Mr. Flatley stated that 97% of the items could be cost out, however, staff needed Council's approval on hiring a consultant to provide information on complex issues such as electrical systems. Mayor Venis indicated that it was important to conduct a survey to determine if the residents were in favor of a bond. Mr. Flatley advised that the cost to conduct a survey was \$7,000 - \$15,000. Councilmember Paul stated that it cost a lot of money to conduct a survey especially when the bond issue had been put to the voters at the same time as the police/fire/EMS facility bond issue. Vice-Mayor Cox advised that she agreed with Councilmember Paul. Councilmember Weiner stated that it would be helpful to have a survey with updated information but he would be more than comfortable proceeding without the survey. He indicated that he did not think a survey was needed. Councilmember Bush stated that he would not mind having a survey as a lot of money would be spent to place the issue on the ballot. Mayor Venis advised that for a \$7 to \$9 million bond, the Town needed guidance and indicated that he was in favor of a survey being conducted. Councilmember Weiner stated that he did not think a survey was necessarily needed but the information was outdated. He recommended that the survey be put out to bid and Council could then make a decision.

Carol Menke, Assistant Budget and Finance Director, explained that the Town needed to allocate money before going out to bid. Mayor Venis recommended that Mr. Flatley make telephone calls to get an estimate on the cost

of a survey.

13.7 Policy for putting items on agenda and final authority on agenda items

Vice-Mayor Cox stated that a policy needed to be established on how individual Councilmembers get items agenda items as she thought that items that Council wanted discussed should be placed on the agenda. She said that it could be the Mayor's prerogative on the arrangement of the agenda, but Council should be able to place items on the agenda. Mayor Venis stated that the policy that he and Mr. Flatley had been using for many months, was that a Councilmember requested that an item be placed on the agenda. If the item required an ordinance or resolution, Council discussed it first for a consensus. Mayor Venis indicated that if there was no consensus, no legal fees would be incurred. He advised that he thoroughly reviewed the agenda to make it resident friendly.

Councilmember Bush stated that a Councilmember needed to bring the item up for discussion but the Councilmember should have the right to place an ordinance on the agenda no matter what the vote was.

Councilmember Paul suggested that the minutes be more in detail which would help in cases such as this.

Councilmember Weiner stated that when he brought up the issue of EMS and lobbyist registration, both issues were brought up under discussion. He recommended that if an issue was new business, it should be discussed under New Business to see what the vote would be.

Vice-Mayor Cox stated that in a number of cities, the city manager had final authority on the placement of agenda items. She asked if this should be included in the codification. Councilmember Bush questioned if some city managers had the authority to prevent a Councilmember from placing an item on the agenda. He stated that he thought the Town's Charter provided that Council had the right to place an ordinance on the agenda.

Mayor Venis advised that the current procedure had been working for years. He questioned if the consensus was to formalize the current procedure. Vice-Mayor Cox stated that she thought there should be an established policy with Councilmember Bush indicating that the policy could be provided by resolution. Councilmember Weiner said that he hated to spend money to prepare the document. Mayor Venis stated that he thought that the current procedure should be retained. Councilmembers Paul and Bush agreed that the current procedure should be retained.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:45 p.m.

