

**TOWN COUNCIL
REGULAR MEETING
OCTOBER 21, 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 Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. PRESENTATIONS

3.1 Parks and Recreation Referendum - 1) Tom Truex; 2) Lisa Edmondson
Janet Truex and Edna Moore spoke in opposition to the parks referendum bond.
John Pisula and Patti Reid spoke in favor of the parks referendum bond.

3.2 Adam Garnitz, Plant Operator I - Five Years
Mayor Venis presented a service award to Mr. Garnitz.

3.3 Donna Donovan, Police Service Aide (Special Assignment) - Ten Years
Mayor Venis presented a service award to Ms. Donovan.

3.4 Candice Ordway, Administrative Aide - Ten Years
Mayor Venis presented a service award to Ms. Ordway.

3.5 Arnold Priebe, Plant Operator I - Ten Years
Mayor Venis presented a service award to Mr. Priebe.

3.6 Richard Smith, Police Lieutenant - Ten Years
Mayor Venis presented a service award to Lieutenant Smith.

3.7 Wayne Boulter, Police Officer - Fifteen Years
Mayor Venis presented a service award to Officer Boulter.

3.8 Albert Lancaster, Equipment Operator - Fifteen Years
Mayor Venis presented a service award to Mr. Lancaster.

3.9 Gene Russell, Driver Engineer - Fifteen Years
Mayor Venis presented a service award to Driver Engineer Russell.

3.10 Bonnie Stafiej, Special Projects Coordinator - Twenty Years
Mayor Venis presented a service award to Ms. Stafiej.

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

3.12 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent
Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Safe Halloween Night (October 25, 1998); Shoot Out Competition with New Zealand (October 24, 1998); 5 Star Rodeo (October 23 - 24, 1998); Horse Show Jump Series (October 31, 1998); Government Day (November 18, 1998)
Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: in-house soccer program registration (October 31, 1998 deadline); baton (Thursday evenings); social bridge (Monday mornings);

Festival Flea Market bus tour (December 8, 1998); Coral Castle bus tour (December 15, 1998); and the Annual Country Western Night (November 6, 1998).

Mayor Venis announced that Director of Development Services Michele Mellgren's last day would be November 2, 1998, and the Town wished her much success in the future. He presented Ms. Mellgren with a plaque in recognition of her four years of employment.

4. OCCUPATIONAL LICENSES

Home Occupational Licenses

4.1 Landscapes By Design, Inc., 3550 SW 116 Avenue (tabled from September 16, 1998)

George Pontigas, the applicant, was present. He confirmed that the request was for mail and phone use only and that there would be no equipment on site.

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)

4.2 Shelly Minaya, 1811 SW 136 Avenue

Shelly Minaya, the applicant, was present. She confirmed that the request was for mail and phone use only.

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

Mayor Venis announced that item 7.8 had been withdrawn.

Mayor Venis stated that item 10.1 needed to be tabled to November 4, 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 10.4 had been withdrawn.

Mayor Venis stated that items 10.6 and 10.7 needed to be tabled to November 18, 1998.

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

Mr. Rawls advised that he had received a letter from Police Chief Jack Mackie announcing his retirement effective December 1, 1998. He indicated that Chief Mackie's programs and initiatives had been more effective in this community than any of the past police administrations. Mr. Rawls added that Chief Mackie brought forth professionalism and had earned community respect and partnership with the Town's Police Department and its officers. He stated that the new police facility had only been accomplished through the respect that Chief Mackie had developed in the community. Mr. Rawls indicated that Chief Mackie supported the Boys and Girls Club and the Police Athletic League. He added that Chief Mackie had the highest regard for everyone around him and the highest respect for his staff. Mr. Rawls stated that Chief Mackie stood for everything that was right and good about the Town. He added that Chief Mackie's leadership, integrity and compassion had been a great service to the Town and he hoped that these traits and accomplishments would guide the Town into the future. Mr. Rawls announced that he had appointed Assistant Police Chief Robert McDaniel as Interim Chief and had asked him to continue all of Chief Mackie's programs and initiatives. He hoped that these programs and initiatives would be accomplished.

Mayor Venis stated that he would miss Chief Mackie who was very receptive and responsive to each community to make the Town a better and safer place to live. He indicated that Chief Mackie had taken on a number of

projects which included the new public safety complex and was a guiding force for the complex. Mayor Venis indicated that Chief Mackie always had the best interests of the Town at heart and he wished him much success. He added that he wished Chief Mackie had not resigned.

5. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

CHIEF MACKIE. Councilmember Weiner stated that he appreciated the turmoil that Chief Mackie went through in making his decision and wished him all the best. He added that Chief Mackie would be missed.

NOVEMBER 3RD BALLOT. Councilmember Weiner stated that he had visited some of the Town's parks and the parents supported the bond issue. He advised that there were two other questions on the ballot which he explained.

WATER SYSTEM. Councilmember Weiner asked Mr. Rawls for a copy of the study regarding water in the western areas and added that a number of residents want Davie to consider its own water system.

POLICE EVENTS. Councilmember Weiner thanked the Fraternal Order of Police Associates for the pancake breakfast and added that it was well attended. He indicated that the Police Athletic League's annual spaghetti dinner had been held before the Council meeting.

VICE-MAYOR COX

PARKS BOND ISSUE. Vice-Mayor Cox commended the political action committee for their efforts in providing information to the public regarding the parks bond issue. She stated that it was important to invest in children and it was real important for the Town.

CHIEF MACKIE. Vice-Mayor Cox stated that Chief Mackie was a memorable individual and she had learned a lot from him. She stated that Chief Mackie had taken the Town's Police Department from the dark age to the space age and this took a special person. Vice-Mayor Cox added that he would be missed by everyone.

COUNCILMEMBER PAUL

NOVEMBER 3RD BALLOT. Councilmember Paul stated that one of the Charter amendment questions provided the same protection for the Fire Department which the Police Department currently had. She suggested that the residents educate themselves on the different issues and added that there were a number of other issues on the ballot.

CONCERT. Councilmember Paul stated that a Blue Grass concert had been held at Robbins Lodge and it had been the largest crowd yet.

EMS. Councilmember Paul displayed a collage of pictures of the takeover of EMS services at Station 68 which she presented to the Fire Department. She thanked EMS Coordinator Jose Rivero for his efforts in making the takeover happen.

CHIEF MACKIE. Councilmember Paul stated that she was shocked at Chief Mackie's retirement and the speed in which it happened. She indicated that she had been a supporter of Chief Mackie and the Police Department and was proud of his rapport with the community. Councilmember Paul discussed his accomplishments and indicated that Chief Mackie had brought a lot of class to the Town. She indicated that she had received numerous calls from residents who were upset and confused as to the reasons behind Chief Mackie's decision. Councilmember Paul stated that Chief Mackie was one of the best leaders and administrators in the Town and was one of the best things that had happened to the Town in a long time. She advised that he would be sorely missed and she wanted to make sure that a plaque would be displayed in a prominent place at the new police facility which recognized Chief Mackie's contribution. Councilmember Paul extended her sincere wishes to Interim Chief McDaniel and assured him that she would be there to support him and the Department.

ANNUAL TOY RUN. Councilmember Paul advised that she had received a letter from the Children's Cancer Caring Center requesting for the Police Department's support for its Annual Toy Run. Interim Chief McDaniel indicated his agreement.

COUNCILMEMBER BUSH

CHIEF MACKIE. Councilmember Bush stated that it had been an honor to work with Chief Mackie who had done an awful lot for the Police Department and the Town.

Michael Davenport stated that the Town would be losing a professional and honorable public servant with Chief

Mackie retiring. He advised that when there was a desperate need for a new public service facility, Chief Mackie met with everyone who was willing to listen to advance the need for the building. Mr. Davenport indicated that you could not help but admire Chief Mackie effort's in obtaining grants and equipment. He thanked Chief Mackie for his professionalism, outstanding commitment and dedication to law enforcement, to the Town and its citizens. Mr. Davenport stated that the new public service facility would remain as a monument to Chief Mackie's service to the community.

MAYOR VENIS

KIWANIS. Mayor Venis stated that he had attended the Kiwanis Installation Dinner and congratulated the new officers.

GOVERNMENT. Mayor Venis stated that he had spoken with Nova Middle School's second grade class on local government. He stated that he had also spoken with the Boy Scouts on local government.

PARK CITY WEST. Mayor Venis stated that he and Mr. Rawls had addressed the residents of Park City West and welcomed them to the Town.

WAVERLY HUNDRED. Mayor Venis stated that he had met with residents of Waverly Hundred regarding the Florida Power and Light substation. He asked Mr. Rawls to schedule a follow up meeting with Florida Power and Light and some of the residents to discuss the residents' concerns.

CHIEF MACKIE. Mayor Venis stated that he had previously stated his regrets on Chief Mackie's retirement. He reiterated that Chief Mackie had done a great job and indicated that he would be missed. Mayor Venis wished Chief Mackie much success in the future.

6. TOWN ADMINISTRATOR'S COMMENTS

Mr. Rawls provided his comments early in the meeting.

7. CONSENT AGENDA

Minutes

- 7.1 August 5, 1998 - Regular Meeting
- 7.2 September 15, 1998 - Workshop Meeting
- 7.3 September 28, 1998 - Workshop Meeting
- 7.4 October 7, 1998 - Regular Meeting

Proclamations

- 7.5 Florida City Government Day (October 21, 1998)
- 7.6 Mort Meyers Day (October 24, 1998)
- 7.7 World Population Awareness Week (October 25 - 31, 1998)

Resolutions

7.8 EMERGENCY MEDICAL SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A FIRST AMENDMENT TO AGREEMENT FOR PROVISION OF EMERGENCY MEDICAL SERVICES BETWEEN THE TOWN OF DAVIE AND AMERICAN MEDICAL RESPONSE; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. (tabled from October 7, 1998)

7.9 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-327 THE BID FOR AN IRRIGATION SYSTEM AT BAMFORD SOCCER FIELDS. (Irrigation Concepts - \$39,790)

7.10 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-328 THE BID FOR ORANGE DRIVE RECREATIONAL PATH. (Struc Tech Engineering, Inc.)

7.11 CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-329 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CARR SMITH

CORRADINO FOR ENGINEERING DESIGN SERVICES FOR THE DRIFTWOOD DRAINAGE IMPROVEMENTS PROJECT.

7.12 CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-330 FLORIDA, EXTENDING THE BID FOR SOFTBALL UMPIRES SERVICES. (South Broward Softball Umpires Association)

7.13 MICROFILM SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, R-98-331 FLORIDA, APPROVING THE RANKINGS FOR MICROFILMING SERVICES. (Lason, Leahy Document & Information Management, Inc., and Dataplex Corporation)

7.14 TRAINING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-332 AUTHORIZING EXTENDED TRAVEL FOR POLICE SERVICE AIDE SPECIAL ASSIGNMENT STEPHANIE SILBER, JOHN CAMERON, HEIDI DONO, LAWRENCE ELLIOTT AND ADAM GRANIT OF THE DAVIE POLICE DEPARTMENT. (\$1,775; training and education)

7.15 GRANT AWARD - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-333 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE, THE CITY OF COOPER CITY AND NOVA SOUTHEASTERN UNIVERSITY, INC., AND ACCEPT THE THIRD YEAR GRANT AWARD UNDER THE FEDERAL ANTI-DRUG ABUSE ACT FOR PROJECT "ADAPT" (ADOLESCENT DRUG ABUSE PREVENTION AND TREATMENT PROGRAM).

7.16 UNITY OF TITLE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-334 AUTHORIZING THE MAYOR TO EXECUTE A UNITY OF TITLE AGREEMENT BETWEEN THE TOWN, AND CHARLOTTE E. PLESS; PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-3-98, 6425 SW 41 Street and 6415 SW 41 Street)

7.17 MONEY PURCHASE PLAN AMENDMENT - A RESOLUTION OF THE R-98-335 TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE MONEY PURCHASE PLAN BY PROVIDING FOR AN OPTIONAL FORM OF DISTRIBUTION TO BE ELECTED BY PARTICIPANTS; AND PROVIDING AN EFFECTIVE DATE.

7.18 WAIVER OF FEES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-336 AUTHORIZING THE TOWN OF DAVIE TO WAIVE BALLFIELD PERMIT AND LIGHT FEES FOR THE PERIOD OF OCTOBER, 1998 - APRIL, 1999 FOR THE DAVIE GIRLS SOFTBALL, INC., TRAVELING TOURNAMENT FAST PITCH SOFTBALL TEAMS.

7.19 CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-337 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DAVIE GIRLS SOFTBALL, INC., A NON-PROFIT ORGANIZATION, FOR CONCESSIONAIRE SERVICES AT GESSNER SPORTS COMPLEX.

7.20 EMERGENCY MEDICAL TRANSPORTATION BILLING - A RESOLUTION OF R-98-338 THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE PROPOSAL FOR EMERGENCY MEDICAL TRANSPORTATION BILLING AND COLLECTION SERVICES, CITY OF LAUDERHILL PROPOSAL AWARDED ON MAY 13, 1996. (Advanced Data Processing)

7.21 AGREEMENT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-339 FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE E.A.S.E. FOUNDATION, INC. EXTENDING AN AGREEMENT WITH THE E.A.S.E. FOUNDATION, INC. FOR PROVIDING BUS STOP BENCHES FOR THE BENEFIT OF THE PUBLIC BY EXCLUSIVE GRANT OF FRANCHISE;

AND PROVIDING AN EFFECTIVE DATE.

Ordinance - First Reading (Public Hearing to be held November 4, 1998)

7.22 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY ADDING TO CHAPTER 2, ARTICLE IV, ENTITLED "REGISTRATION OF LOBBYISTS" REQUIRING DISCLOSURE OF THE IDENTITY AND ACTIVITIES OF PERSONS WHO ENGAGE IN EFFORTS TO INFLUENCE COUNCILMEMBERS EITHER BY DIRECT COMMUNICATION TO SUCH OFFICIALS OR BY SOLICITATION OF OTHERS TO ENGAGE IN SUCH EFFORTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR LOBBYING REGISTRATION AND STATEMENTS; PROVIDING FOR CONDUCT OF PRINCIPALS AND TOWN COUNCILMEMBERS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Paul asked that item 7.11 be removed from the Consent Agenda. Councilmember Weiner asked that items 7.2 and 7.20 be removed.

Mr. Rawls advised that item 7.8 considered a contract amendment with AMR which related to the final year of the contract. He stated that the most important revision was the reduction from a three member EMS response team to two members. Mr. Rawls indicated that it had been agreed that a design for a system to mutually attempt to achieve a response time criteria was needed. He stated that additional time would be needed to accomplish this and he had received a letter providing for an agreement between AMR and the Town to reduce the staffing levels two individuals for a 60 day period. Mr. Rawls recommended that Council accept this action on the letter.

If the Charter amendment was passed on November 3rd, Vice-Mayor Cox questioned how the amendment would affect the Town's negotiating with AMR. Mr. Webber responded that the amendment would not affect the existing contract and he would have to carefully review the matter to ascertain that the amendment would not affect any amendments to the agreement. Vice-Mayor Cox stated that the Town may want to provide for an extension in the letter if Council truly wanted to reduce the staffing level. Mr. Rawls indicated that he could ask AMR to add language that would provide for an extension of the provisions based upon mutual acceptance of the parties.

Vice-Mayor Cox asked if the Charter amendment was approved, would it prohibit the Town from revising any of the contract provisions.

Councilmember Weiner recommended that Council wait for Mr. Webber's response and he recalled that the Charter amendment only dealt with transferring the services of the firefighters to a private company. He indicated that the Charter amendment did not deal with any amendments to an existing agreement and one concern that was specifically addressed was providing services through a joint powers agreement which was excluded from coverage under the Charter amendment. Councilmember Weiner stated that when this matter was broached to AMR it was with the understanding that a plan would hopefully be designed within 60 days and if an agreement could not be reached on the plan to meet the fractile response time within the 60 days, there was an agreement to an extension of a short additional period of time.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve the letter with the condition that if Mr. Webber determined that the Town was restricted by the Charter referendum, that the extension be included. 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)

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on items 7.22 would be held on November 4, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve the Consent Agenda without items 7.2, 7.11 and 7.20 [item 7.8 had previously been withdrawn 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)

7.2 Councilmember Weiner felt that the minutes should be revised to include Councilmember Bush's statement that a family member had worked for an individual which could be construed as a lobbyist under the proposed ordinance. Councilmember Bush indicated that he had prefaced the statement with the word "if". Town Clerk Reinfeld advised that the tapes would be reviewed and the minutes corrected.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table the minutes until November

4, 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)

7.11 Mr. Rawls advised that through a Community Development Block Grant, the Town had allocated money to correct the drainage problem in the Driftwood community. He indicated that the Town generally went outside to provide design and survey services for this type of work. Mr. Rawls stated that the recommended firm had quite a record in providing engineering surveying services and had offered to provide the design services to the Town within 45 days which allowed the process to be expedited. He stated that the prices were consistent with those in the industry.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to accept 7.11. 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)

7.20 Councilmember Weiner stated that an amended agreement had been received which only allowed the termination of the contract for cause and provided for 30 days notice; however, the original contract provided termination with or without cause. Mr. Webber explained that the opportunity to terminate without cause was never offered to the Town and indicated that there was an ambiguity in the proposed original agreement which provided the possibility of automatic extensions. He stated that the only opportunity the Town had to terminate the agreement was to provide 60 days notice prior to expiration of the contract and added that he had a dislike for contracts which automatically renewed.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve item 7.20. 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. SITE PLANS

8.1 SP 4-7-98, Holy Sacrament Episcopal Church, 2801 North University Drive (CF) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report as amended*

Sam Engel and Nelson Fernandez, representing the petitioner, were present. Gayle Easterling, Planning and Zoning Manager, read the planning report.

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)

9. PUBLIC DISCUSSION

9.1 OPERATING GUIDELINES/LEASE AGREEMENT - A RESOLUTION OF THE R-98-341 TOWN OF DAVIE, FLORIDA, AUTHORIZING APPROVAL OF THE ROBBINS OPEN SPACE PARK OPERATING GUIDELINES FOR USE OF THE ROBBINS LODGE AND OUTDOOR PATIO AREA AND LEASE AGREEMENT AND AUTHORIZING TOWN OFFICIALS TO EXECUTE SUCH AGREEMENTS.

Town Clerk Reinfeld read the resolution by title.

Ms. Pierce-Kent advised that the operating hours for the Lodge would be limited to 8:00 a.m to 11:00 p.m. daily, with the hours for the outside/outdoor patio area being limited to 8:00 a.m. to 9:00 p.m. daily. She explained the fees and added that music would only be allowed inside the Lodge with the determination of reasonable acceptable sound levels being at the sole discretion of the Town. Ms. Pierce-Kent indicated that an event could be canceled if the Town's standards were not adhered to and added that a staff member would be on site to monitor all activities at all times. She added that only beer and wine would be allowed inside the Lodge with a liquor liability insurance policy in the amount of \$1 million being required.

Ms. Pierce-Kent added that the Town had the right to decline the rental of the property in compliance with operating guidelines. She stated that to address the concerns of allowing beer and wine, staff was suggesting the use of off-duty police officers being hired in lieu of a regular staff member.

Councilmember Bush indicated that the lighting at the entrance seemed to be a problem and questioned if any

solutions had been considered. Mr. Rawls explained that staff had tried to achieve a balance between the lighting and a minimum operating condition. He stated that the community had indicated that it wanted the Town to do as little as possible to change the ambient lighting situation at night. Mr. Rawls indicated that staff would look into some type of reflective treatment.

Discussion ensued on the guidelines used by Broward County and other municipalities concerning alcoholic beverages and hours of operations.

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

Joan Reetz (8541 SW 30 Street) stated that she was glad that allowing alcoholic beverages was being reinstated as she had wanted to hold a function at the Lodge but was unable to.

Gail Stage, 3398 SW 117 Avenue, stated that she had sent a letter of her concerns as the homes in her neighborhood were "up against" the Lodge. She discussed her concerns with the use of the facility and asked that Council listen to the residents in the neighborhood.

Nicolas Suarez, 3061 SW 117 Avenue, reiterated Ms. Stage's comments and discussed his concerns with allowing alcohol.

Randy Maize, 14161 SW 21 Street, supported the residents in the area who had concerns with the Lodge and asked that Council consider the impact on the community.

Dianne Schultz, 3100 SW 117 Avenue, asked that there be a compromise for a one year period, that the Lodge would close at dusk if alcoholic beverages were being served to determine if there would be any problems with traffic. However, she preferred that alcoholic beverages not be allowed.

Dan Barr, 11550 SW 37 Court, reiterated the previous speakers comments regarding traffic and allowing alcohol. He indicated that this was a passive park not a commercial operation.

Tom Dunn, 3050 SW 117 Avenue, stated that he was concerned that Council was not living up to its promise in leaving the property as a passive use.

James Morris, 3361 SW 116 Avenue, discussed the problems with alcoholic beverages being allowed. He showed a video of the road that would be utilized when leaving the property.

Dick Keen discussed the problems with allowing alcoholic beverages.

Richard Docherty, 3500 SW 117 Avenue, questioned what precipitated the movement to authorize alcohol at this location. Mr. Rawls explained that in developing the criteria for the use and activities at the Lodge, the Open Space Advisory Committee felt there were certain activities which would include a toast or glass of wine. He stated that staff's role was to forward this proposal to Council for consideration and indicated that staff felt that the activities were consistent with a passive environment.

Pam Welch-Keen stated that the customer needed to be kept happy and the residents placed faith in Council to act on the residents' opinions.

Mayor Venis closed the public portion of the hearing.

Vice-Mayor Cox advised that only beer and wine would be allowed inside the house at a private party. She agreed that the lighting in the area was dark, however, the entrance to Hiatus Road was well lit.

Councilmember Paul advised that Tree Tops Park was considered to be a passive park and it had active pavilions and rental facilities. She said that she understood the residents' concern with the serving of alcohol; however, staff had included the requirement of an additional person on site. Councilmember Paul stated that she would like to see the facility open through the evening but was "this way" regarding the serving of alcohol as she understood an individual's interest in having a champagne toast at an event.

Vice-Mayor Cox suggested there be a trial period of six months to a year with a police officer being required and allowing beer and wine. Then at the end of the trial period, an assessment be prepared on the use of the facility and the use of the facility by Davie residents versus outside residents. She stated that if problems were encountered, the rules could be changed.

Councilmember Bush questioned if the Town could legally limit the types of events that could be held at the facility. Mr. Webber replied that this could be done if there was a reasonable basis but an individual could not be singled out. He stated that the nature of the activity could be controlled and added that restrictions could be addressed. Councilmember Bush suggested that there be limitations and agreed with Vice-Mayor Cox's suggestion of a trial period. Vice-Mayor Cox questioned if the property could be limited to Town residents with Mr. Webber responding that the Town might be able to limit the use of the Lodge to Town residents only.

Councilmember Paul suggested that there be a trial period of six months without alcohol to determine if the

property would be rented and if it was feasible. Vice-Mayor Cox stated that her orientation was to make the facility available to the Town's residents for as many functions as possible.

Mayor Venis indicated that beer and wine was not allowed in the Community Room and he thought the policy should be consistent for all facilities. He stated that he would not be opposed to a six month trial period with no alcohol.

Councilmember Weiner stated that he did not have any arguments to music inside the facility but the music outside needed to stop after dusk. He agreed with the recommendation of a six month trial period without alcohol. Councilmember Weiner added that he would like to see the park open until 10:00 [p.m.] and closing down no later than 11:00 [p.m.].

Vice-Mayor Cox questioned that during the six month period, what would be an appropriate level of rental to make any changes. Councilmember Paul responded that the facility being utilized at least once each weekend would be an acceptable level. She added that after the trial period, allowing a champagne or wine toast as part of a catering service on a trial period could be tried.

Councilmember Weiner made a motion, seconded by Mayor Venis who passed the gavel, to approve the operating guidelines with music outside not being permitted after dusk, the event should terminate around 10:00 [p.m.] with breakdown being by 11:00 [p.m.] and no alcohol for a period of six months to be reviewed just prior to the expiration of six months. 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)

10. PUBLIC HEARINGS

Ordinances - Second and Final Reading

10.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RO AND A-1 TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-98, Orshefsky/Mark-Age, Inc., 5451 SW 64 Avenue) (tabled from October 7, 1998)

This item was tabled earlier in the meeting.

10.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-42 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RM-16 TO B-2; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-3-98, Engel/Pless, 6425 SW 41 Street) (tabled from October 7, 1998)

Town Clerk Reinfeld read the ordinance by title.

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

10.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-43 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2 AND B-2 TO RM-10; AMENDING THE TOWN'S ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-98, Investor Financial Corporation/Brenner, 5805 Davie Road)

Town Clerk Reinfeld read the ordinance by title.

Vice-Mayor Cox 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 subject to the stipulations made at the last hearing on this matter. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

Quasi Judicial Items

10.4 **VARIANCE** - V 6-3-98, Gonzalez/Martinez, 4190 SW 61 Avenue (RM-16) (to reduce the required number of parking spaces from 306 to 256 parking spaces) (tabled from October 7, 1998) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

This item was withdrawn by the petitioner.

Resolution

10.5 **TOWING FRANCHISE** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-340 FLORIDA, GRANTING A TOWING FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS THERETO; AND SETTING FORTH AN EFFECTIVE DATE. (franchise fee payment to Town \$157,001/yearly) (tabled from October 7, 1998)

Town Clerk Reinfeld read the resolution by title. Herb Hyman, Procurement Manager, indicated that the highest bid was from Statewide Transportation. He stated that the franchise needed to serve two purposes with the first purpose being to provide revenue to the Town. Mr. Hyman advised that the second purpose was to provide a public service. He stated that staff was concerned with what appeared to be an unusually high offer and had questioned the amount. Mr. Hyman said that a meeting had been held with Statewide to discuss this concern and based on the information provided, staff made the recommendation to award the franchise to Statewide.

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

Gary Schwartz, representing Bob's Towing, stated that other issues besides money should be considered. He indicated that should the bid be awarded to Statewide, he would appeal the decision. Mr. Schwartz stated that he did not think it was fair that the highest responsive bidder be awarded the bid and the award should be based on merit and other qualifications. Mr. Rawls advised that there were performance guidelines which Mr. Hyman explained. Mr. Hyman also explained the references that were checked.

Councilmember Weiner advised that he had received a letter from an anonymous source which raised concerns of Statewide. Mr. Hyman indicated that he had spoken to Mr. Webber concerning the association of Statewide and the owners of Daly's and Mr. Webber's opinion was that if the husband was guilty of a crime, it did not make his wife guilty by association. He added that the letter also mentioned a public entity crime, however, this was a fallacy and no public entity crime was committed.

Bill Moffet, representing Mac's Towing, recommended the services of Mac's Towing.

Ed Poswalli, also representing Mac's Towing, agreed with Mr. Schwartz that there was more to a bid award than price. He indicated that it was an inherent responsibility that the towing company that was selected had to act reasonably, rationally, and within the bounds of reasonable conduct. Mr. Poswalli stated that since the bid was for towing and not body work, any bid that relied on a certain number of tows per day was unbalanced. He said that there were two clear choices, award the bid to a firm like Mac's Towing or reject all bids to "reject this activity". Mr. Hyman explained the ancillary activities that the towing franchise would generate to the selected firm with a brief discussion ensuing.

Councilmember Weiner asked if Statewide would be willing to disclose revenue generated on an annual basis. A woman, representing Statewide, responded in the affirmative and added that a computer tracking program would be installed for the Town's access.

Councilmember Paul questioned if the large franchise fee would be passed onto the customer. The woman replied that the costs were regulated by the Town.

Mayor Venis closed the public hearing.

Councilmember Paul questioned if the Town had ever used a different system for towing such as on a rotation basis. Mr. Hyman explained that the Town had previously used a three firm rotation system, however, it had been a nightmare to administer the franchise.

Councilmember Paul questioned a three year contract. Mr. Hyman responded that the contract had always been for a three year period, however, he would provide a longer term contract if Council wanted.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve the highest bidder being Statewide subject to their agreement to provide annual reports as to additional revenue and the provision of a copy of the extension of the lease [Exhibit A]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes.

(Motion carried 4-1)

Items to be tabled

10.6 STAFF REQUESTING A TABLING TO NOVEMBER 18, 1998 AS COUNCIL TABLED FIRST READING TO NOVEMBER 4, 1998

Ordinance - Second and Final Reading

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-7-5-98 CREATING THE "RESIDENTIAL HIGH DENSITY DWELLING (RM-22) DISTRICT" BY AMENDING THE CODE OF DAVIE, FLORIDA, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-21 ENTITLED, "ZONING DISTRICTS"; SECTION 12-24 ENTITLED "STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS"; SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES"; SECTION 12-53 ENTITLED, RESIDENTIAL PERFORMANCE STANDARDS"; SECTION 12-81 ENTITLED, RESIDENTIAL, NEIGHBORHOOD CONSERVATION AND MOBILE HOME STANDARDS, TABLE 12-81C. CONVENTIONAL MULTIFAMILY DEVELOPMENT STANDARDS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from October 7, 1998)

This item was tabled earlier in the meeting.

10.7 STAFF REQUESTING A TABLING TO NOVEMBER 18, 1998

REZONING - ZB 7-4-98, Conquistador Apartments, 7400 Stirling Road (tabled from September 16, 1998)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

11. APPOINTMENTS

11.1 Child Safety Board (one exclusive appointment - Councilmember Bush; term expires July 1999)

Councilmember Bush appointed Joseph Brill.

11.2 Unsafe Structures Board (one non-exclusive appointment; appointment shall be an electrical contractor; term expires April 1999)

This item was deferred.

12. OLD BUSINESS

12.1 Selection of Search Firm for Town Administrator

Mr. Hyman advised that six proposals had been received which staff had ranked. He stated that Council needed to make a decision on the short list and when interviews would be scheduled. Mr. Hyman indicated that staff had seen "a real break" after the top four proposals.

Councilmember Paul stated that staff had indicated that the reason for the fifth choice was because of very little Florida experience and she did not know if this was a reason to exclude. Mr. Hyman responded that this was a subjective process and Council might see it differently.

Councilmember Paul made a motion to look at the top five. The motion died due to a lack of a second.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to review the top four. 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. Hyman questioned when the interviews should be scheduled. After some discussion, the meeting was tentatively scheduled for November 11, 1998.

13. NEW BUSINESS

No new business was discussed.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:32 p.m.

