

**TOWN COUNCIL
REGULAR MEETING
APRIL 7, 1999**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 p.m. by Vice-Mayor Bush and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

Mr. Rawls explained that Mayor Venis was in Tallahassee regarding the water surcharge. He indicated that Senator Howard Forman was requesting that the Public Service Commission initiate a study on the surcharge.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to excuse Mayor Venis. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

3. OPEN PUBLIC MEETING

Vice Mayor Bush advised the speakers of the Open Public Meeting procedures.

Mike Leparage, 11430 NW 35 Street-Sunrise, discussed the issue of the Code violation by Friday night car show vendors. He stated that he understood that rules were made to protect the Town residents from detrimental situations, but he felt that the vendors, were an exception to that rule. During their six years of operation, the car show had not proven to be detrimental but was beneficial to the people, the community and the shopping center. Mr. Leparage stated that the vendors, along with the manager of the Tri County Plaza Associates, appeared before the Special Master to try and resolve the problem. He asked Council to assist with the preservation of the event.

Councilmember Paul asked if this item could be placed on the next agenda and suggested that the group provide back-up which would give Council more information as to the type of vendors they were. Mr. Leparage indicated that most of the vendors sold memorabilia type items.

Mr. Rawls suggested that if the Town chose to support these outside sales vendors, provisions would have to be found in the Code to create sufficient parameters to regulate other activities.

Joyce Stewart, 10850 SW 25 Street, indicated that Fox Trail Elementary School would soon be having its first graduating class and indicated that the parents wanted to have a special party at Robbins Lodge. She stated that the Town required a deposit of \$525 and a user fee of \$225 and she was requesting that these fees be waived as the group organizing this affair were parents who were not making a profit. Ms. Stewart indicated that the group would be responsible for cleaning up and watching over the site.

Vice-Mayor Bush questioned what the normal procedure was for a waiver. Mr. Webber indicated that there was no mechanism to waive fees. He stated that there were certain fees that the Town traditionally waived but he did not know if this would fall in line with previous waivers. Mr. Webber recommended that if there was no urgency, that this issue be discussed at the next meeting to allow him to research the issue.

Haywood F. Nichols, Jr., 1409 Sistrunk Boulevard-Fort Lauderdale, indicated that he understood that the Town had a lot of complaints filed against it by the union and that the Town was seeking an independent entity to investigate the complaints. He stated that the Fort Lauderdale branch of the NAACP was offering its service to investigate the complaints at no cost to the Town and distributed his resume to Council.

Sharon Samuels, 10101 SW 15 Place, indicated that she was a junior at Nova High School and had been nominated to represent her school at the Global Young Leaders Conference. She indicated that the program was for 11 days commencing in Washington, D.C. and concluding in New York. Ms. Samuels stated that the cost of tuition was \$1,685 excluding airfare, and her participation in the conference depended on whether or not she could raise funds through sponsorships. She hoped that the Town would be able to assist her with all or part of these funds. Ms. Samuels stated that she felt her participation in the conference would enhance her education and indicated that if there were any businesses that wanted to be a sponsor, she could be contacted at 424-3346.

Councilmember Weiner indicated that on an annual basis, the Town sponsored the Police Explorers when they attended competitions, which this past year was held in Washington, D.C. He asked if there was a way for the Town to make a contribution towards Ms. Samuel's trip as a representative of the area and the school. Mr. Rawls indicated that every year Council allocated funds to benevolent causes to benefit the community and there were funds in Council's operating budget through the Town Administrator's office which could be used for other activities. Councilmember Weiner suggested that if everyone was in agreement, Council could contribute \$385 towards Ms. Samuels' tuition.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to contribute \$385 to Ms. Samuels. Councilmember Weiner suggested that Ms. Samuels report to Council after her trip on what she gained from her experience and what happened on the trip. Councilmember Paul suggested that Ms. Samuels assist the Council during Student Government Day with her leadership skills as a condition for Council's assistance. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - yes; Councilmember Cox -yes; Councilmember Weiner - yes; Councilmember Paul - yes. (Motion carried 4-0)

Mr. Leparage indicated that the Florida Street Rods and the Tower Shops of Davie would like to contribute \$300 to Ms. Samuels.

Amy Wetzler, 12430 SW 11 Court, indicated that she was seeking assistance from the Town for the Annual Take-A-Kid Fishing rodeo. She stated that previous sponsors were unable to conduct the rodeo this year and as a result of this, she was asking for the Town's help. Ms. Wetzler stated that there were volunteers available to assist and indicated that a date had not been set yet.

David London, 3720 SW 61 Avenue, indicated that he had been trying to become involved with the South Florida Education Center but meetings held by this organization were not open to the public. He felt that as an unofficial adviser to the Center, Mr. Webber could clarify whether or not these meetings were open to the community. Mr. Webber indicated that he did not provide advice to this organization and was unable to answer Mr. London's question. He asked that Mr. London either call him or leave his telephone number so he would be able to contact him.

Regarding Habitat for Humanity, Mr. London indicated that he felt the colleges and universities in the area could be involved. He stated that he wanted to make the community aware that the federal government had \$1,000,000 allocated for the quad-county area for environmental projects. Mr. London stated that input and suggestions were needed for active projects to clean up the environment.

Michael Davenport, 14041 SW 22 Place, stated that Pompano Race Track would not be open for the public to use for boarding horses in case of a hurricane. Mr. Davenport stated that if that happened, the Davie site would have to be prepared and horse owners should plan pre-registration.

Mr. Davenport mentioned that on behalf Crime Watch, he wanted to express his support for Captain John George [as Chief of Police] who had worked hard to reduce crime through his support for crime watch organizations and community policing. He was excited that the new safety complex would be ready for occupancy soon, and believed that all departments of the police operation under one roof would enhance communication and better working relations for the entire police force.

Mr. Davenport spoke about a delegation of 30 junior and senior high school students who were selected to represent their schools and communities throughout Florida. He stated that this summer the students would be traveling to several Scandinavian countries for 21 days. Mr. Davenport indicated that his son was one of those students and he would be representing Western High School and the Town.

Mr. Davenport was happy to know that so many people read his columns in the Western Express. He stated that if his writings made one person think, then he felt that he had done his job. Mr. Davenport indicated that he received many e-mails and calls from residents, firefighters and officers who has been with the force for over 20 years who said that they were in agreement with what he said. He stated that all the speakers who spoke at the previous meeting had one thing in common and that was that they had not challenged anything he had written.

Mr. Davenport stated that union members asked to have meetings and they tried to exert pressure on certain issues. He stated that he applauded Councilmember Paul's action of not succumbing to union pressure and said it was appreciated. Mr. Davenport stated that all he had been asking was that the union's demands not be ignored, but to question who would benefit from the decision made, the residents or one small group.

4. PRESENTATIONS

4.1 Town of Davie and Davie Soroptimists from Jesse Mazur

Mr. Mazur stated that he attended a program in Washington, D.C. called Presidential Classroom, a program dedicated to allowing students around the country learn more about government. He stated that he had been fortunate to receive money from the Davie Women's Club and the Davie Soroptimist Club which enabled him to make the trip. Mr. Mazur stated that he wanted to take the opportunity to thank both organizations and hoped that in the future other students would be able to receive similar assistance and have similar experience.

Vice-Mayor Jim Bush presented a plaque to Barbara Reitsma of the Davie Soroptimist in appreciation for sponsoring Mr. Mazur's trip.

4.2 Waterway Clean-Up Volunteers

Bonnie Stafiej stated that 800 volunteers undertook the task of cleaning the canal banks from 441 past Flamingo Road. Vice-Mayor Bush presented plaques to Ellen Wunderlick of the Davie Women's Club and the Women's Club of West Broward as an expression of thanks for their work during the clean-up.

4.3 Davie School Teachers of the Year

Vice-Mayor Venis presented Certificates of Appreciation to Joyce Szymanski, Western High School; Maria Bach, Nova Blanche Forman Elementary School; Cynthia Stevens, Indian Ridge Middle School; Alan Pate, Fox Trail Elementary School; Deborah Ann Alamoro, Hawkes Bluff Elementary School; Mary Alt, Nova Middle School; Ann Scott, Davie Elementary School; Samuel Mackey, Nova High School; and Marilyn Tasman, McFatter Vocational Technical School. The following teachers were not present: Peggy Hussain, Flamingo Elementary School; Maria Olariaga, Silver Ridge Elementary School; and Jane Abramczyk, Nova Eisenhower Elementary School.

4.4 Davie/Cooper City Chamber of Commerce

Peter Thompson, representing the Chamber, updated Council on the Chamber's efforts.

4.5 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: 50s/60s concert (April 16th); Concert in the Park (April 18th); 5 Star Rodeo (April 23rd - 24th); and family bike rally (May 8th).

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: registration for indoor youth basketball (Monday, April 19th); junior baseball division team (boys 15 to 16); karate program (every Tuesday and Thursday evening 6:00 p.m. to 7:30 p.m.); and tennis lessons.

Ms. Pierce-Kent advised that the first playground equipment purchased with the November bond money had been delivered and would be installed at Lange Park.

4.6 Reese Road Update

Mr. Rawls indicated that the problem with the title had been resolved and he would be asking Council to approve the transfer agreement. Because of revised language in the transfer agreement, Mr. Webber asked that item 10.1 be tabled in order to prepare the new agreement prior to the second reading.

Mr. Webber also indicated that the other item concerning Reese Road was the construction bid documents which were being prepared for advertising. He stated that these documents would be in the bidders hands in two weeks.

Vice-Mayor Bush announced that item 9.3 and 9.4 had been withdrawn by staff.

**5. MAYOR/COUNCILMEMBER COMMENTS
VICE-MAYOR BUSH**

GROUNDBREAKING. Vice-Mayor Bush stated that he had attended groundbreaking ceremonies for the educational complex at Florida Atlantic University's, Education and Science Building and the Nova Southeastern University's Library and Research Center.

COUNCILMEMBER COX

AGRARIAN COMMITTEE. Councilmember Cox complimented Councilmember Paul on her article in the Miami Herald regarding the Agrarian Committee.

BIKE RALLY. Councilmember Cox said that she hoped everyone who liked to ride bicycles would attend the Bike Rally on May 8th.

PLAYGROUND EQUIPMENT. Councilmember Cox stated that the playground equipment was being installed at the Robbins Lodge and more families were utilizing the Robbins property.

RIDE-A-THON. Councilmember Cox stated that the South Florida Trailriders Ride-A-Thon had raised approximately \$8,000 for the Boys and Girls Club.

BROWARD DAYS. Councilmember Cox stated that she had attended Broward Days in Tallahassee and found it to be very informative.

COUNCILMEMBER WEINER

CONDOLENCES. Councilmember Weiner expressed his sympathy on the passing of the Town's Building Official Jim Smith.

STORY TELLING SESSION. Councilmember Weiner stated that there was a Story Telling session taking place at the Fox Trail Elementary School on April 8th with representatives from the Police and Fire Departments as well as the Florida Marlins and the Panthers.

POLICE CHIEF INTERVIEWS. Councilmember Weiner stated that on March 24th, the Police Chief Screening Committee interviewed the five finalists. Councilmember Weiner indicated that he had had the opportunity to attend the session and was very pleased to have met all the finalists and he was looking forward to having a new Chief of Police soon.

GUARDRAIL. Councilmember Weiner expressed his thanks to Interim Chief of Police Robert McDaniel for providing the information he requested at the last meeting regarding the guardrail policy. Councilmember Weiner indicated that Chief McDaniel had generated a study which he would review.

WATER SURCHARGE. Councilmember Weiner stated that in the near future, he would like to discuss the issue of Davie having its own water system. He stated that information gathered from the 1992 non-binding advisory referendum indicated that Davie residents were unhappy with paying the surcharge to the City of Sunrise and would rather receive service from the Town. Councilmember Weiner stated that he planned to work with Mr. Rawls to place a binding referendum on the ballot indicating whether or not there should be a water system for all Davie residents.

COUNCILMEMBER COMMENTS. Councilmember Weiner stated that at the next meeting he would like to discuss whether Councilmember Comments or a report from the Town Administrator's office should be published in the Davie Update.

MEDIAN WAYS. Councilmember Weiner stated that he would also like to discuss at the next meeting whether or not there was a window of opportunity for proper access to make the streets and median ways safer. Mr. Webber indicated that an ordinance was being prepared and modifications were being made to implement changes.

COUNCILMEMBER PAUL

CONDOLENCES. Councilmember Paul expressed her condolences to Jim Smith's family.

EQUESTRIAN SIGNS. Councilmember Paul stated that she wanted to inform the residents of Oak Hill that the equestrian crossing signs were being erected. She indicated that she had received a letter from the State that work orders were being prepared to have the rest of the signs erected.

BROWARD DAYS. Councilmember Paul indicated that she was allowing John Pisula, who represented the Town during Broward Days in Tallahassee, to speak under her name.

Mr. Pisula stated that he and Linda Cook headed up the Foster Care Task Force which was now a 12-month program. He indicated that it was known that there was problem with the foster care program and in Broward County, there were approximately 1,200 children in foster care with approximately 15% being runaways. In the past, Broward County had been very lax in obtaining extra beds and in better assessing these children. Mr. Pisula advised that additional beds had been proposed and an assessment center was needed before this could be accomplished. He indicated that monies for Medicare and Medicaid remained with the parent and did not follow the child when a child was moved to another home which required the foster parent to foot the bills for daycare or other expenses. Mr. Pisula stated that he spoken to Washington Sanchez, the Deputy DA in Broward County, who would have this issue looked into.

Mr. Pisula discussed the need to keep the children as close to their home as possible so they would be close to their school and friends unless there was a problem in the neighborhood. He indicated that this year, the Broward County School Board had agreed to provide a child with transportation to his/her home school.

Mr. Pisula advised that the Task Force was looking to put a school for the "worse case scenario children" in the Pembroke Pines mental hospital which was primarily vacant. He indicated that a number of churches were interested and he was trying to get a group of churches to be part of the solution and not part of the problem.

MAYOR VENIS

Mayor Venis was absent.

6. TOWN ADMINISTRATOR'S COMMENTS

REESE ROAD. Mr. Rawls stated that Mayor Venis had asked that Council thank Senator Gallo for his assistance in resolving many of the Reese Road issues and for keeping the project on the front burner.

CONDOLENCES. Mr. Rawls offered his condolences to Jim Smith's family on behalf of the staff. He indicated that he would like to present some ideas at the next meeting as a tribute to Mr. Smith.

7. TOWN ATTORNEY'S COMMENTS

LITIGATION: Mr. Webber provided an update on litigation in which the Town was involved: Teen Challenge; Orendello; 142nd Avenue; City of Sunrise; MacDaniel Unsafe Structure; and Police and Fire pension funds.

8. CONSENT AGENDA

Minutes

- 8.1 March 3, 1999 - Regular Meeting
- 8.2 March 10, 1999 - Special Meeting

Proclamations

- 8.3 United Way of Broward County Appreciation Week (April 5 - 9, 1999)
- 8.4 Blue Ribbon Week for the Prevention of Child Abuse (April 26 - 30, 1999)
- 8.5 National Fair Housing Month Celebration (April 1999)

Resolutions

- R-99-103 8.6 **SUMMER DAZE PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO UTILIZE THE SILVER OAKS MOBILE HOME COMMUNITY CENTER FOR THE TOWN'S EIGHT WEEK DAVIE SUMMER DAZE PROGRAM FROM JUNE 21, 1999 - AUGUST 13, 1999. (no cost to Davie residents) (tabled from March 3, 1999)
- R-99-104 8.7 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR LABORATORY WATER TESTING, STATE OF FLORIDA SNAPS AGREEMENT #9911083. (Precision Environmental Laboratory - \$10,000)
- R-99-105 8.8 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR AN EQUIPMENT SHELTER, ST. JOHNS COUNTY BID NO. 98-01. (Contract Connection, Inc. - \$38,085.82)
- R-99-106 8.9 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR OFFICE FURNITURE, STATE OF FLORIDA #425-001-98-1. (Administrative Services Department - not to exceed \$37,000)
- R-99-107 8.10 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF POLICE VEHICLE EQUIPMENT ADOPTING THE STATE OF FLORIDA CONTRACT AND ALSO THE BROWARD COUNTY CO-OP BID UTILIZING LAW ENFORCEMENT TRUST FUNDS. (emergency lighting equipment - \$10,189.87; rear transport seats and protective transport screens - \$1,656.60)
- R-99-108 8.11 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPLEMENTING R-95-50, TO ENHANCE AND EXPAND THE COMMUNITY RELATIONS UNIT AND AUTHORIZING THE EXPENDITURE OF \$2000.00 FROM THE LAW ENFORCEMENT TRUST FUND. (COPS and Kids Anti-Drug Card Program - not to exceed \$2,000)
- R-99-109 8.12 **SCRIVENERS ERROR** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-99-33 RELATING TO A CODE ENFORCEMENT MITIGATION ADOPTED FEBRUARY 3, 1999, BY CORRECTING A SCRIVENERS ERROR; AND PROVIDING AN EFFECTIVE DATE. (Change \$82,600 to \$70,100)

- 8.13
R-99-110 **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT LIEN IN CASE NO. 98-220 FROM \$21,750 IN AMOUNT TO \$4,000; AND PROVIDING AN EFFECTIVE DATE. (Discount Auto Parts, Inc.)**
- 8.14
R-99-111 **TRAINING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING EXTENDED TRAVEL FOR TRAINING FOR OFFICER PAUL WILLIAMS AND OFFICER RICHARD SCHWAB OF THE DAVIE POLICE DEPARTMENT. (Special Weapons and Tactics Training - \$1,080)**
- 8.15
R-99-112 **TRAINING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING EXTENDED TRAVEL FOR TRAINING FOR FOUR PROSPECTIVE SWAT MEMBERS OF THE DAVIE POLICE DEPARTMENT. (Special Weapons and Tactics Training - \$2,160)**
- 8.16
R-99-113 **TRAINING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING EXTENDED TRAVEL FOR TRAINING FOR THREE NEWLY HIRED POLICE OFFICERS OF THE DAVIE POLICE DEPARTMENT. (193rd Police Academy Training - \$4,725)**
- 8.17
R-99-114 **TRAINING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING EXTENDED TRAVEL FOR TRAINING FOR OFFICER JAMES SMITH OF THE DAVIE POLICE DEPARTMENT TO ATTEND INSTRUCTOR TECHNIQUES TRAINING. (\$175)**
- 8.18
R-99-115 **LOAN REPAYMENT PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A LOAN REPAYMENT PLAN BETWEEN THE TOWN OF DAVIE AND THE DAVIE COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING TOWARDS CRA COMMERCIAL LOAN SUBSIDY PROGRAM.**
- 8.19
R-99-116 **JOINT PARTICIPATION AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE JOINT PARTICIPATION AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF DAVIE FOR RESTORATION OF LANDSCAPING ALONG DAVIE ROAD.**
- 8.20
R-99-117 **PERPETUAL EASEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE CONVEYANCE OF A PERPETUAL EASEMENT FROM JOLMY ENTERPRISES, INC. TO CONSTRUCT, MAINTAIN, REPAIR, INSTALL AND REBUILD WATER AND SANITARY SEWER FACILITIES; AND PROVIDING FOR AN EFFECTIVE DATE**

- 8.21
R-99-118 **LIEN SUBORDINATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE. (Arthur J. Hustins, Jr.)**
- 8.22
R-99-119 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, 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 10-8-98, Sessoms Plat, 7485 Davie Road Extension) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report***
- 8.23
R-99-120 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE VEHICULAR ACCESS OPENING OF THE "SPIELMAN-MARGOLIS REPLAT", AND PROVIDING AN EFFECTIVE DATE. (P 3-1-99, 4451 South University Drive)**
- 8.24
R-99-121 **REVISING CLASS SPECIFICATIONS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING THE CLASS SPECIFICATION FOR THE POSITION OF ASSISTANT PUBLIC WORKS MANAGER IN THE NON-REPRESENTED CLASSIFICATION PLAN AND RECREATION LEADER IN THE FPE BLUE COLLAR CLASSIFICATION PLAN.**
- 8.25
R-99-122 **CONCURRENCY REQUIREMENTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND THE ARCHDIOCESE OF MIAMI; PROVIDING FOR REMEDIAL MEASURES TO SATISFY CONCURRENCY REQUIREMENTS RELATED TO THE ST. DAVID CHURCH PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT.**
- 8.26
R-99-123 **PLANNING SERVICES CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE BID FOR MISCELLANEOUS PLANNING SERVICES. (Craig A. Smith and Associates)**

Councilmember Paul asked that item 8.13 be removed from the Consent Agenda.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without item 8.13. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

8.13 Councilmember Paul stated that the mitigation issue had come up before and questioned why there was such a tremendous reduction. She indicated that she understood

that there had been an attempt to collect enough money to cover the Town's expenses. Councilmember Paul stated that the fines were set to prevent Discount Auto Parts, Inc. from repeating what they did initially and her concern was why the fines were being lowered so much. She indicated that this was not the first instance where fines were reduced. Councilmember Paul also questioned if there was an error in the description that stated that the mitigated amount would cover the Town's expenses.

Mark Kutney, Development Services Director, indicated that there was an error in the backup and indicated that mitigation amounts were set by guidelines. He indicated that staff may need to look at the guidelines in terms of the degree in which "the fine is dropping versus the actual amount of the fine." Councilmember Paul asked that the guidelines be reviewed.

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

9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held April 21, 1999)

9.1 **CORRECTIVE ORDINANCE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 98-17 WHICH WAS AN ORDINANCE VACATING A PORTION OF 60 FOOT WIDE ROAD RIGHT-OF-WAY AND CUL-DE-SAC EASEMENT FOR HAWKE'S BLUFF AVENUE, TOGETHER WITH 12 FOOT UTILITY EASEMENT, 24 FOOT ROADWAY AND LANDSCAPE EASEMENT, AND 12 FOOT ANCHOR EASEMENT LOCATED ADJACENT TO HAWKE'S BLUFF AVENUE AND LOCATED WITHIN THE BRITANNIA PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title. Vice-Mayor Bush advised that a public hearing on item 9.1 would be held on April 21, 1999.

Vice-Mayor Bush questioned if anyone wished to speak on the ordinance. As no one spoke, the public comments were closed.

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

9.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-388 OF THE TOWN CODE BY AMENDING SUBSECTION (A)(1) CONCERNING FRONT SETBACKS, SUBSECTION (C) CONCERNING COVERED BOARDWALKS, AND ADDING A NEW SUBSECTION (J) CONCERNING MINIMUM FRONT WALL HEIGHT IN THE WESTERN THEME DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title. Vice-Mayor Bush advised that a public hearing on item 9.2 would be held on April 21, 1999.

Vice-Mayor Bush questioned if anyone wished to speak on the ordinance.

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Glenn Irwin, Redevelopment Administrator, and Neal Kalis, Community Redevelopment Agency Chair, were present. Mr. Irwin explained the ordinance and displayed a map of the affected area.

Councilmember Cox referred to Las Olas as having a right-of-way and spatial issue and she questioned whether Mr. Irwin or Mr. Kalis knew what the right -of-way for Las Olas was. Mr. Irwin indicated that Las Olas was not much different from Davie Road with two lanes in each direction and a middle island. Councilmember Cox stated that the Town was trying to achieve the type of enclosure that existed on Las Olas which probably would not happen because of the lack of ambience.

Councilmember Cox stated that the Town was looking to provide parking in the rear of the buildings along Davie Road and Griffin Road. She stated that that discussion came up when Griffin Road was discussed and she had talked about bringing the buildings to the front and placing the parking in the back. Councilmember Cox stated that some residents on the south side of Griffin Road were not receptive to that, but she felt that because of how the streets looked the parking lots sometimes provided a better buffer. Councilmember Cox stated that she understood the average building height issue and felt that for what Mr. Irwin was trying to achieve, Las Olas was a good example.

Councilmember Cox further stated that she felt that Griffin Road had some real opportunities especially on the canal banks, and with the incorporation of something more scenic along the canal bank and the front of the buildings. She felt that even though the streets would be very close to the canal, it might still provide a certain driving ambience if people would drive slower.

Councilmember Cox also talked about a citrus business on the east side of Davie Road. She asked if this would allow the individual to incorporate his existing building into the scenario if he put his parking in the rear and put a covered walkway in the front of the building.

Councilmember Paul questioned that Option Three was done specifically to accommodate existing properties east of Davie Road. Mr. Irwin stated these options were compiled from CRA meetings and that Option Three addressed two requests east of Davie Road, Hollywood Federal and Armadillo Square. Councilmember Paul asked if a vacant piece of property was allowed the same option. Mr. Irwin stated that the CRA was looking into accommodating existing buildings and only Option One would allow that to happen. He also indicated that only Option One would allow for landscaping along Davie Road.

Councilmember Cox questioned whether or not Option Three should be considered on undeveloped property, and felt that these properties should not be accommodated.

Mr. Rawls asked Mr. Webber if this ordinance could be approved less Option Three. Mr. Webber answered affirmatively. Councilmember Paul asked about the question of height and if there were options regarding the height or if they had to be exact. Mr. Kalis stated that the building had to be at least 18 feet if renovation was done or if a change was made.

Michele Mellgren, representing Armadillo Square, stated that there had been numerous meetings to try to reach a settlement that would suit the future goals of the CRA, as well as addressing the concerns of some of the property owners. She stated that Armadillo Square had a unique situation with regards to the elevation difference, as the road close to the building. Ms. Mellgren stated that her concern was that if the ordinance were to go forward without Option Three, what would happen if a property owner needed to get a demolition permit to demolish a portion of the building because all the parking had been eradicated. She

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wanted to know if the owner would have to reconfigure the property, would the property still be viable or would that apply to vacant lands.

Councilmember Cox stated that Councilmember Weiner proposed to eliminate Option Three. She indicated that she felt that Option Three would apply to existing buildings but not to undeveloped properties. Councilmember Weiner stated that for zoning consideration, Option Three could not be considered for undeveloped property. She stated that for existing buildings, it would present a hardship issue to which Councilmember Weiner indicated that hardship would be another issue, either a non-conforming use or whether the owner would be entitled to obtain a variance.

Tom Truex, 4740 SW 72 Avenue, stated that he was not troubled about the ordinance but was troubled about side comments. He stated that he felt with the elimination of Option Three, it would become burdensome enough to discourage redevelopment and new development. Mr. Truex indicated that he agreed with Councilmember Cox and felt that it would discourage residents from remodeling because of the expense.

Mr. Truex indicated that he did not agree with the discussion comparing Griffin Road to Las Olas Boulevard. He stated that the Department of Transportation was widening Griffin Road because of the new growth in the area compared to Las Olas which was a destination without through traffic. Mr. Truex stated that slowing traffic would create problems. He also stated that having a parking buffer in the back was not something desirable.

Mr. Kalis disagreed with Mr. Truex' views and stated that he owned property along Griffin Road and had never had any complaints from neighbors regarding parking in the rear of the building.

Joe Cosner, 4451 SW 77 Avenue, asked for clarification of tall buildings and a sound buffer breaking the noise. He stated that in the downtown area with businesses on both sides, the advantage of that was that it would cause the sound to be contained more in the street. Mr. Cosner stated that he lived close to a Publix Shopping Center and was constantly disturbed by their vacuum cleaning system and yard blower at 2:30 a.m. He indicated that when he approached the manager he was told that the reason he was experiencing the noise was probably because of how the buildings were curved. Mr. Cosner stated that if the Town wanted to do something on Griffin Road, it should have a buffer with trees providing a shaded walkway and make another sidewalk in the 30 foot buffer area.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve less option three. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - no; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion tied 2 to 2)

Mr. Webber advised that due to the tie vote, the ordinance was automatically tabled to the next meeting.

9.3 WITHDRAWN BY STAFF

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-34 ENTITLED, "DETAILED USE REGULATIONS" BY CREATING SUBSECTION 12-34(E) TO REGULATE THE LOCATION OF ESTABLISHMENTS SELLING, DISPLAYING OR DISTRIBUTING CERTAIN ACCESSORIES WHICH MAY BE CONSIDERED DRUG PARAPHERNALIA

This item was withdrawn by staff.

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9.4 WITHDRAWN BY STAFF

AN ORDINANCE CHANGING THE ZONING FOR THE 20+ ACRE TRACT OF LAND FROM A-3, UTILITY DISTRICT (BROWARD COUNTY CODE) TO RM-16, MEDIUM-HIGH DWELLING DISTRICT (TOWN OF DAVIE CODE).

This item was withdrawn by staff.

10. PUBLIC HEARINGS

Vice-Mayor Bush opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

10.1 ROAD TRANSFER AGREEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF A ROAD TRANSFER AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF DAVIE CONCERNING REESE ROAD; PROVIDING FOR CONVEYANCE BY THE DEPARTMENT OF TRANSPORTATION AND ACCEPTANCE BY THE TOWN OF DAVIE OF CERTAIN LANDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from March 16, 1999)

Mr. Webber asked that this item be tabled to the next meeting.

Councilmember Weiner made a motion, seconded by Councilmember Paul to table [April 21, 1999]. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

99-10 10.2 AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 97-66 WHICH WAS AN ORDINANCE CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO CF, BY CORRECTING THE LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (2550 Flamingo Road)

Town Clerk Reinfeld read the ordinance by title.

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

99-11 10.3 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE BY AMENDING SECTION 12-374 ENTITLED "MODIFICATION OF SITE PLAN"; PROVIDING FOR CRITERIA FOR NON-MATERIAL MODIFICATIONS TO SITE PLANS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

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

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

Quasi Judicial Items

10.4 VACATION/ABANDONMENT - VA 7-1-98, Pasadena at Imagination Farms, Inc., 13601 Orange Drive (to vacate a 50 foot road right-of-way along Orange Drive adjacent to the subdivision platted as "Imagination Farms East") (tabled from February 17, 1999) Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report and the petitioner's voluntary agreement to allow a 10 foot wide bridle path adjacent to the pole line

Mr. Webber explained the rules concerning the presentation of evidence. Town Clerk Reinfeld swore in the witnesses.

Gayle Easterling, Planning and Zoning Manager, advised that the petitioner had requested a tabling to April 21, 1999.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to table to April 21, 1999. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

10.5 VACATION/ABANDONMENT - VA 2-1-99, MMM & D, Inc., 2275 SW 66 Terrace (to vacate portions of a utility easement located within the south 10 feet and the west 25 feet of the Arco Building Plat) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval

Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone would be speaking in opposition to the request with no one being heard. Ms. Easterling advised that because of her experience, education and certification, she was qualified as a witness on behalf of the Town. She summarized the planning report.

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

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

10.6 REZONING - ZB 9-1-98, REG-A Corporation/Harber, southeast corner of Griffin Road and SW 78 Avenue (from B-1 to B-2) (tabled from March 16, 1999) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the "zoning in progress"

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report. She indicated that this was a rezoning within the Griffin Road corridor which was affected by the current zoning in progress.

Robert Lochrie, representing the petitioner, explained the rezoning.

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Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning.

Joe Cosner, 4451 SW 77 Avenue, spoke in opposition.

Robert Good, 4450 SW 77 Avenue, spoke in opposition.

Mr. Lochrie stated that the petitioner would be happy to meet with the residents between the first and second reading of the ordinance.

Mr. Webber stated that the hearing was concluded.

Councilmember Paul made a motion, seconded by Councilmember Cox, to deny. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - no; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 3-1)

10.7 **REZONING** - ZB 2-1-99, Cohen/Shear & Zacco, 7080 State Road 84 (from CC to B-3) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval of the voluntarily amended application in accordance with the deed restrictions set forth in the March 4, 1999 letter submitted by the petitioner and the conceptual plan noted in the planning report*

The petitioner was not present.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to April 21, 1999. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

10.8 **SPECIAL PERMIT** - SE 1-1-99, Digital Comm Link, Inc./Furia, 10450 State Road 84 (CC) (to increase the diameter of a satellite dish in the "CC" District from 12 feet to 59 feet, pursuant to Town Code, Section 12-34(G)(2)) (tabled from March 16, 1999) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

Town Clerk Reinfeld swore in the witness. Ms. Easterling summarized the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Frank Furia, the petitioner, was present and explained the request. He indicated that he had taken photographs and created a before and after scenario displaying the property in its present state and how it would look after installation of the 18 meter dish. Mr. Furia stated that his reason for returning to Council requesting a variance was because it was his business to transmit video voice and data. He stated that Digital Comm Link would be operating under its own FCC license.

Councilmember Cox stated that based on the photographs presented by Mr. Furia, she had a very good idea of what would exist on the property. She stated that she understood staff's concern and indicated that the public had been given ample opportunity to make comments whether for or against this venture. Councilmember Cox stated that she would vote for approval, but she would withhold her motion for further discussion since everyone else appeared hesitant.

Councilmember Weiner indicated that Mr. Furia had done a tremendous service to Council by going above and beyond the call of duty in getting the photographs to assist in

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explaining his venture. He indicated that he had had a problem visualizing a dish of that size. Councilmember Weiner stated that his fear had been alleviated. Councilmember Paul stated that she still had a concern with a dish of that size and the height extension.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table and to direct staff to meet with Mr. Furia to work out a timetable to bring back at the April 21, 1999 meeting. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Vice-Mayor Bush closed the public hearing portion of the meeting.

11. SITE PLANS

11.1 SP 12-6-98, Room to Grow Day Care Center, 2550 Flamingo Road (CF) (tabled from March 16, 1999) Planning and Zoning Division recommended approval subject to the planning report; **on March 9th**, the Site Plan Committee gave preliminary approval subject to the planning report; that the roofing be a standing seam metal roof, colors to be submitted at the next meeting; that the colors for the entire building be added to the elevations for town Council for clarification; that the skylight shown in the center of the roof be eliminated, with the upper skylights remaining; **on March 30th**, the Site Plan Committee gave additional approval subject to the planning report items 1 through 8; that there would be a 6' foot high chain-link fence around the playground (instead of wooden fence); that the petitioner work with staff to widen the western perimeter strip to 15 feet, if possible; to increase the parapet height as indicated in the presentation; and to add the selection of paint colors to the site plan

Dominick Scarfo, representing the petitioner, was present. Ms. Easterling read the planning report.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve subject to the Site Plan Committee's recommendation of March 30th, the Planning and Zoning Division's recommendation excluding #4 and eliminating the staff's request for the pod landscaping in that one pod and the two signs that Mr. Rawls was concerned with be moved out of the public right-of-way and onto the property. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

11.2 SP 3-5-99, Kelly Tractor Parcel "A", Zacco Plat, 2801 Reese Road (M-3) Planning and Zoning Division recommended approval; Site Plan Committee recommended approval to reactivate previously approved site plan

Bob Richards representing the petitioner, was present. Ms. Easterling indicated that this was a request for approval of a site plan that had expired. She stated that the building permit was being reviewed and the permit was not issued prior to the expiration of the site plan. Ms. Easterling stated that the site plan was approved on September 13, 1998 and it was identical to the set of plans that was approved by Council on that date.

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

12. APPOINTMENTS

12.1 Community Redevelopment Agency (exclusive appointment - Mayor Venis; term May 1999 to April 2003)

Town Clerk Reinfeld indicated that Mayor Venis had distributed a memorandum to Council stating that if there was no objection, he would appreciate Council considering Mr. Boegli's re-appointment to the board.

Councilmember Cox made a motion, seconded by Councilmember Paul, to appoint Mr. Boegli. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

13. OLD BUSINESS

Mr. Rawls indicated that in this year's towing franchise agreement, there was a requirement for the franchisee to provide updates to Council on a quarterly basis on the fees it had collected for towing services in the Town. He stated that Mr. Myers had secured the agreement which he was sharing with Council. Mr. Rawls also stated that Statewide Towing had provided that in November, December and January, its total revenue generated by towing in the Town was \$48,096. He stated that the franchise fee that they paid to the Town was \$39,250. Mr. Rawls stated that the net return over the three month period was about \$9,000. He stated that this information was being provided to Council for informational purposes.

14. NEW BUSINESS

14.1 Schedule Special Meeting for Executive Session - Teen Challenge of Florida, Inc. vs. Town of Davie, Case No. 96-13022 CACE (21) - April 21, 1999 at 6:00 p.m.

Mr. Webber indicated that the Town's Special Counsel, Mike Burke, had submitted a letter requesting a special session of Council. He stated that this hearing would not be subject to the Sunshine Law and according to Florida Statutes, the time and location of the hearing had to be announced. Mr. Webber stated that the hearing was scheduled for April 21, 1999 at 6:00 p.m. and those anticipated to be present were the Town's Special Counsel or an attorney from his firm, Council, the Town Clerk, a Court Reporter and himself.

Vice-Mayor Bush read the resolution by title and asked that item 14.2 be added to the agenda.

Councilmember Cox made a motion, seconded by Councilmember Weiner to add item 14.2 to the agenda. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Bush - yes; Councilmember Weiner - yes; Councilmember Paul - yes; Councilmember Cox - yes. (Motion carried 4-0)

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14.2 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE**
R-99-124 **TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE
BROWARD COUNTY SCHOOL BOARD**

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

15. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:53 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk