

**TOWN COUNCIL
REGULAR MEETING
MAY 5, 1999
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

3. OPEN PUBLIC MEETING

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

Tom Truex, 4740 SW 72 Avenue, thanked Councilmember Paul for announcing the meeting between the developers and the residents which regarded the land north of Orange Drive and west of the property previously known as Broward County landfill. He encouraged the Town to work with the residents and developers now rather than just waiting to hear the developer's plans. Mr. Truex stated that in speaking to residents, he felt that it was obvious that most residents wanted "green" along the Griffin Road corridor as opposed to buildings right on the street with no front landscape buffer.

Mr. Truex addressed the issue of the Davie Update and stated that he felt Councilmember Weiner had been correct at the last meeting in criticizing the political use of the taxpayer funded newspaper. He added that Councilmember Cox was also right when she had complained about the matter previously. Mr. Truex gave his opinion of using the Davie Update to promote a particular politician as being immoral and a sign of what was wrong with the political system and politicians specifically.

Robert Hoth, 1361 Whitestone Way, stated that he had been disturbed to find out that the Florida Department of Transportation (FDOT) was planning to build a number of bridges across Orange Road. He believed that Orange Road was one of the most pleasant strips in Davie and possibly Florida, and he was opposed to digging it up for bridge transportation.

Jay Stahl, 5801 Surrey Circle West, indicated that the Hawkes Bluff Homeowners Association, Councilmember Paul, Mr. Rawls, and a few people from the County met at the Tom Thumb site. He stated that the County had agreed to make some improvements on Dykes Road and to extend the divider to prevent cars traveling south from turning left into Tom Thumb. Mr. Stahl noted that as of this date, nothing had been done although the County had indicated that it would only take a few weeks. He further noted that the Tom Thumb site looked like a dump with weeds four to five feet high. Mr. Stahl stated that his opinion was that even though the site was in Broward County, he believed that the Town could put pressure on somebody to get the site cleaned up.

Kathleen Bleier, 3200 Old Hickory Court, read a letter of appreciation from Memorial Health Care Systems to the Town of Davie.

David London, 3720 SW 61 Avenue, directed his comments to the events of Littleton, Colorado. He discussed a sewing and knitting program set up at a Sacramento prison facility by way of impressing upon the Council that there are positive things that could be done in terms of prevention.

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Michael Davenport, 14041 SW 22 Place, advised that he had spoken with Police Chief applicant Don DeLuca and found him to be personable, eager, and innovative; however, Major DeLuca had turned down the offer. He stated that if Major DeLuca withdrew his candidacy, then Mr. Rawls would have the opportunity to live up to his word and promote someone from within the Town, Police Captain John George. Mr. Davenport added that this promotion would send a positive message to the Police Department.

4. PRESENTATIONS

4.1 Davie/Cooper City Chamber of Commerce

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

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

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Family Bike Rally (May 8th); Five Star Rodeo (May 21st - 22nd); Memorial Day weekend activities; Police Athletic League wrestling event (June 5th); and July 4th activities.

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: indoor youth basketball registration and summer programs.

Ms. Pierce-Kent explained that there was a special fund raising event for the youth sports programs. Lisa Edmondson discussed the First Annual Town of Davie Sports Dolphin Day which was a fundraiser for the sports program.

4.3 Reese Road Update

Mr. Rawls advised that the project was progressing and bids would be received by the end of the month at which time an agreement would come from the County offering their portion of the construction costs based on the bid amount. He added that a tentative agreement had been worked out with the Hunts regarding the right of way. Mr. Rawls stated that he was very encouraged that the project would be out of the ground over the summer.

5. OCCUPATIONAL LICENSES

Home Occupational Licenses

5.1 Bull Dog Computers, Inc., 4301 SW 102 Avenue (tabled from April 21, 1999)

The applicant was not present.

Mayor Venis announced that items 11.3, 11.12, 11.13, and 11.14 needed to be tabled to May 19, 1999.

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

Mayor Venis stated that item 15.1 had been withdrawn.

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6. MAYOR/COUNCILMEMBER COMMENTS

VICE-MAYOR BUSH

COOPER CITY FOUNDER DAY PARADE. Vice-Mayor Bush stated that he had participated in the Cooper City Founder's Day Parade on April 24 along with Councilmembers Paul, Weiner and Cox. He thanked Public Works Department for their efforts on the float.

DAVIE ROTARY CLUB LUNCHEON. Vice-Mayor Bush announced that he had attended the Davie Rotary Club Luncheon honoring County Commissioner Kristin Jacobs. He added that he had presented a proclamation as Mayor Venis had been unable to do that.

COUNCILMEMBER COX

HURRICANE CLEAN-UP. Councilmember Cox stated that the hurricane cleanup was being planned towards the end of June. She indicated that large dumpsters would be brought out to the fire station on Flamingo Road and the rodeo grounds so that residents could bring things that they needed to get rid of before hurricane season.

BIKE RALLY. Councilmember Cox stated that the Bike Rally would be held on May 8th through the new trails to Robbins Lodge.

DAVIE UPDATE. Councilmember Cox distributed a synopsis of Council comments in Davie Update, summarizing that the data seemed to suggest that Councilmember Weiner was really the only one who used the Davie Update for political comments. She went on to say that she believed that the decision Council had made at the previous meeting had been the right decision.

COUNCILMEMBER WEINER

RESPONSE TO COUNCILMEMBER COX. Councilmember Weiner stated that he did not want to disgrace the Council by responding to Councilmember Cox' comments.

THANKED. Councilmember Weiner thanked everyone who attended the Fox Trail Elementary School dedication.

COOPER CITY FOUNDER'S DAY PARADE. Councilmember Weiner expressed his thanks for being included in the parade.

POLICE/FIRE/EMS FACILITY. Councilmember Weiner stated that the new police/fire/EMS facilities would be opening soon and hoped to see everyone there.

BUILDING OFFICIAL. Councilmember Weiner stated that he looked forward to working with the new Building Official.

INTERVIEWS. Councilmember Weiner stated that the interviews for the Town Administrator would be held on May 10th. He indicated that it was unfortunate that Major DeLuca from Miami Beach had turned down the offer of the Town's Police Chief.

COUNCILMEMBER PAUL

SURVEY. Councilmember Paul stated that over 200 surveys had been returned regarding the recreational and bridle paths in Oak Hill and indicated that a tremendous number of recommendations had been received. She added that based on the survey, plans for the recreational path would be proceeding.

CHILD SAFETY BOARD. Councilmember Paul advised that she had recommended that the Safety Summit concept be merged with the Child Safety Board because their goals were so close. She commented that there were many good programs promoting safety with a new

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program being considered called, "Guns, Gangs, and Safety." Councilmember Paul added that there would possibly be seminars in the fall where parents could go to get information and advice.

WASTE MANAGEMENT. Councilmember Paul stated that Councilmember Weiner had previously discussed Waste Management's bin program and remarked that she would like to see a public workshop held when "this part of the contract" expired.

SENIOR AND ADULT CENTER. Councilmember Paul commented that she had asked the Council to look into a "beefed up" adult transportation system.

POLICE/FIRE/EMS FACILITY. Councilmember Paul stated that she was looking forward to the opening of the new police/fire/EMS facility on May 13th.

GLOBAL PRECISION GRAND OPENING. Councilmember Paul wished Global Precision good luck in their new opening.

HORSE FARMS. Councilmember Paul reminded horse farm owners to read the Property Appraiser's letter carefully, fill it out correctly and get it in on time. She offered her assistance in filling out the form if anyone needed help.

COUNTY SEAT HEADED WEST. Councilmember Paul expressed her opinion that a workshop with the residents needed to be held before the county could make any decisions with regard to the issue of moving the county seat.

MAYOR VENIS

GLOBAL PRECISION GRAND OPENING. Mayor Venis remarked that the ground breaking for Global Precision had been in August and they were already having their grand opening.

DEDICATION OF FOX TRAIL ELEMENTARY. Mayor Venis stated that Council attended the dedication of Fox Trail Elementary School on April 28th and indicated that the School was a state of the art facility.

EVERGLADES MOBILE HOME. Mayor Venis stated that the trailer was gone.

U.S. HUD REPRESENTATIVE MEETING. Mayor Venis indicated that he would be meeting with the United States Housing and Urban Development on May 6th to discuss the Town's CDBG monies.

POLICE ATHLETIC LEAGUE/POTTER PARK. Mayor Venis announced that the annual wrestling event would be June 5th. He mentioned that other issues were brought up at the meeting with regard to Potters Park and he would like to place this item on the agenda for the next Council meeting.

LETTER FROM SCHOOL BOARD. Mayor Venis stated that he had received a letter from the Broward County School Board with regard to some Davie student athletes. He explained that the Board had asked that these students be acknowledged at the next Council meeting.

LEFT TURN SIGNAL ON 36TH COURT AND FLAMINGO. Mayor Venis thanked Mr. Rawls for his quick response with regard to this item and asked how long it would take to get a response from the County. Mr. Rawls responded that the County would do an investigation which would probably take a month or two to do. Mayor Venis suggested that they draft a letter and send it to Flamingo Elementary.

YOUNG AT ART CHILDREN'S MUSEUM. Mayor Venis mentioned that he had attended the Young at Art Children's Museum for the birthday celebration and that it was a fantastic facility.

DAVIE ROTARY CLUB LUNCHEON. Mayor Venis expressed his regrets that he had not been able to attend the Rotary Club luncheon and thanked Vice-Mayor Bush for attending.

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CAREER DAY AT FOX TRAIL ELEMENTARY SCHOOL/FLAMINGO ELEMENTARY SCHOOL. Mayor Venis said he would be attending career day at both Fox Trail Elementary and Flamingo Elementary which he was looking forward to.

DAVIE ELEMENTARY SCHOOL. Mayor Venis asked that a meeting be scheduled to find out what was going on with regard to the shelter that the School wanted to build.

7. TOWN ADMINISTRATOR'S COMMENTS

POLICE CHIEF. Mr. Rawls expressed regrets that Major DeLuca had declined the Town's offer and added that he would move forward in filling that position.

INTRODUCTION OF TOM WILLI. Mr. Rawls introduced Tom Willi, indicating that he was the Town's new Building Official who would be joining the Town in two weeks.

POLICE FACILITY. Mr. Rawls complimented Captain John George on the new police facility and asked for an update on the move. Captain George advised that the facility was about 95% ready. Interim Police Chief Robert McDaniel indicated that the formal dedication of the facility would be held on May 13th at 10:00 a.m. and invitations had been mailed. He added that an open house would be held on May 15th.

FIRE/RESCUE STATION. Mr. Rawls remarked that this facility was also complete with the support elements in place. He indicated that the only missing piece was the operation of the traffic signal which was critical to the access onto Nob Hill Road. Mr. Rawls stated that it was possible the light would be installed on May 6th and the facility would be fully operational at the change of shift.

8. TOWN ATTORNEY'S COMMENTS

LITIGATION. Mr. Webber provided an update on litigation in which the Town was involved: Bar-B-Ranch; Orendello; 142nd Avenue; City of Sunrise; and 175/185 monies.

ORDINANCE REGARDING STREET VENDORS. Mr. Webber advised that he had been in contact with the City of Pompano Beach who had similar concerns and was conducting a study to show the effects on traffic at certain intersections at certain times. He recommended that a study be conducted at Davie intersections as well and suggested that he obtain a draft of Pompano's ordinance to provide to Council.

9. CONSENT AGENDA

Proclamations

9.1 Arbor Day (May 8, 1999)

9.2 Emergency Medical Services Week (May 16 - 22, 1999)

9.3 The Fifth Annual Davie Dolphins Day (May 21, 1999)

Resolutions

R-99-148 9.4 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE FOR TRAFFICWAYS ILLUMINATION TO DAVIE ROAD EXTENSION FROM UNIVERSITY DRIVE TO STIRLING ROAD AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.**

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- 9.5
R-99-149 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH THE GOLD COAST DOG CLUB, INC. FOR THE RENTAL OF THE BERGERON RODEO GROUNDS TO PRESENT DOG HANDLING CLASSES. (October 5, 1999 to October 3, 2000; arena rental fee - \$3,120)**
- 9.6
R-99-150 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND/OR APPROPRIATE STAFF TO ENTER INTO AN AGREEMENT BETWEEN THE SHERIFF OF BROWARD COUNTY AND THE TOWN OF DAVIE FOR USE OF MARKHAM PARK TARGET RANGE.**
- 9.7
R-99-151 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE SUBJECT TO BUDGETARY APPROVAL TO PROVIDE SCHOOL RESOURCE OFFICERS FOR WESTERN HIGH SCHOOL AND INDIAN RIDGE MIDDLE SCHOOL. (\$1,200 per month/per officer payment to Town)**
- 9.8
R-99-152 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE SUBJECT TO BUDGETARY APPROVAL TO PROVIDE SCHOOL RESOURCE OFFICER PROGRAM FOR SEVEN ELEMENTARY SCHOOLS OF DAVIE. (Davie Elementary, Flamingo Elementary, Fox Trail Elementary, Hawkes Bluff Elementary, Nova Blanche Forman Elementary, Nova Eisenhower Elementary and Silver Ridge Elementary - \$1,200 per month payment to Town)**
- 9.9
R-99-153 **ESTABLISHING POLICY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE POLICY OF THE TOWN COUNCIL TO TAKE NO IMMEDIATE ACTION ON MATTERS PRESENTED AT THE OPEN PUBLIC INPUT SESSION HELD ON THE FIRST COUNCIL MEETING OF EACH MONTH; AND PROVIDING AN EFFECTIVE DATE.**
- 9.10
R-99-154 **GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR GRANT FUNDING UNDER THE STATE AND COMMUNITY HIGHWAY SAFETY PROGRAM ADMINISTERED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION. (\$66,670 - speed enforcement equipment; no local match)**

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- 9.11
R-99-155 **GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE SUBMITTAL OF THE ADOLESCENT DRUG AND ALCOHOL PREVENTION AND TREATMENT PROGRAM (A.D.A.P.T.) GRANT APPLICATION TO THE BROWARD COUNTY COMMISSION ON SUBSTANCE ABUSE FOR FOURTH YEAR FUNDING UNDER THE FEDERAL ANTI-DRUG ABUSE ACT; PROVIDING FOR MATCHING FUNDS. (\$38,074 grant; \$12,691 local match)**
- 9.12
R-99-156 **GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING APPLICATION, APPROVAL AND EXECUTION FOR A GRANT UNDER THE STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.**
- 9.13
R-99-157 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR GRANT FUNDING UNDER THE DAVIE IN-CAR VIDEO PROJECT, A PROGRAM ADMINISTERED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION. (\$26,000 grant; no local match)**
- 9.14
R-99-158 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR ELECTRICAL SERVICES. (Florida Electric Service Co., Inc. and Mills Electric Service, Inc.)**
- 9.15
R-99-159 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR 14 GALLON RECYCLING CONTAINERS. (Buckhorn of Canada, Inc.; Broward County grant - \$14,048)**
- 9.16
R-99-160 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE PROPOSAL FOR COACH BUS SERVICE, BROWARD CO-OP RFP #99-B-032. (Shortway Lines of Florida, Inc.; \$50,000/year)**
- 9.17
R-99-161 **EASEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, GRANTING AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY, ITS LICENSEES, AGENTS, SUCCESSORS, AND ASSIGNS FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRICAL UTILITIES AT THE NEW POLICE AND FIRE/EMS BUILDINGS AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SAME.**
- 9.18
R-99-162 **LOCAL OPTION GAS TAX - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE SIXTEENTH AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE.**

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- 9.19
R-99-163 **DISTRIBUTION OF PROCEEDS FROM ADDITIONAL LOCAL OPTION GAS TAX - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.**
- 9.20
R-99-164 **AGREEMENT - 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 PELICAN COAST HOLDINGS, INC. RELATING TO THE INSTALLATION OF REQUIRED IMPROVEMENTS WITHIN THE PELICAN COAST PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT. (DG 3-3-99, 351 SW 148 Avenue)**
- 9.21
R-99-165 **AGREEMENT - 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, MILES AUSTIN FORMAN, HAMILTON C. FORMAN, TRUSTEES, PALM TRACE LANDINGS LIMITED AND SILVER PALMS LAND, LTD., RELATING TO THE TRANSFER OF COMMITTED TRIPS ON A PLATTED PARCEL; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT. (DG 3-4-99, Lady Elizabeth Plat, northeast corner of Davie Road and SW 30 Street)**
- 9.22
R-99-166 **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. (Mary Jane Marshall and Jerome L. Rosen, Trustee, and James B. Carroll)**
- 9.23
R-99-167 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE FRATERNAL ORDER OF POLICE.**
- 9.24
R-99-168 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF LAPTOP COMPUTER AND RELATED HARDWARE AND SOFTWARE, PER RESOLUTION R-98-21, APPROVING THE APPLICATION AND AWARD OF THE COPS MORE 98 GRANT FOR TECHNOLOGY AND EQUIPMENT.**

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9.25 R-99-169 AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO LOCAL JOINT POWERS AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE PROVIDING FOR COOPERATIVE EXCHANGE OF FIRE RESCUE SERVICES; AND PROVIDING AN EFFECTIVE DATE.

9.26 R-99-170 PROPOSAL/WAIVING FORMAL BIDDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE PROPOSAL FOR VEGETATIVE DEBRIS DISPOSAL TO A LICENSED DISPOSAL SITE AND WAIVING FORMAL BIDDING AND PROVIDING AN EFFECTIVE DATE. (not to exceed \$70,400)

9.27 R-99-171 ESTABLISHING POLICY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A POLICY FOR DESIGN OF THE ORANGE DRIVE/GRIFFIN ROAD CORRIDOR TO PROTECT THE CHARACTER OF THE ORANGE DRIVE CORRIDOR AND LINEAR PARK.

Vice-Mayor Bush asked that item 9.3 be removed from the Consent Agenda. Mayor Venis asked that item 9.7 be removed. Councilmember Paul asked that items 9.20 be removed. Councilmember Cox asked that items 9.27 be removed. Councilmember Weiner asked that items 9.9, 9.18, 9.19, 9.23, and 9.25 be removed.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve the Consent Agenda without 9.3, 9.7, 9.9, 9.18, 9.19, 9.20, 9.23, 9.25, and 9.27. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.3 Vice-Mayor Bush asked Town Clerk Reinfeld to read the proclamation in its entirety which she complied with.

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

9.7 Mayor Venis questioned if the agreement encompassed the satellite school campus. Chief McDaniel responded that the agreement was only for the main campus. Mayor Venis questioned who would be stationed at the satellite campus. Captain George indicated that this campus was outside the Town's limits and the Broward Sheriff's Office patrolled this campus.

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

9.9 Councilmember Weiner questioned if this resolution would prohibit Council from taking an emergency vote and overriding the policy. Mr. Webber responded that the policy could be overridden and clarified that the resolution referred to immediate action.

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

9.18 and 9.19 Councilmember Weiner asked if there would be an impact if Council accepted these resolutions based upon the population figures, which he felt were not accurate. Budget and Finance Director Christopher Wallace explained that a special bill had to be passed by the State of Florida, that adjusted the population estimates in the Town. He added that he did not believe that it would effect this agreement and felt that the County should change it but he did not believe it would.

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

9.20 Councilmember Paul asked if this item could be tabled as she had a concern that a representation made to the homeowners that the opening to this property would not be across from the Vista Filarie property. Mr. Rawls advised that this area was governed by the County's Code which regulated where the openings were. He indicated that this issue could be addressed when the developer came before Council for site plan approval. Councilmember Cox questioned what the homeowners' concern was. Councilmember Paul responded that they were concerned about the opening to a commercial property being directly across from the entrance to their building.

Karen Davis, a resident of Vista Filarie, indicated that one of the residents' concerns was the increase in traffic and the difficulty they might have in getting into and out of their neighborhood. She added that they also had an aesthetic concern. Mr. Rawls stated that from an engineering perspective, it was better to have the entrances line up. He indicated that the best use of the property would probably be a self-storage facility which would be the lowest intensity activity.

Councilmember Paul made a motion to table. The motion died due to a lack of a second.

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

9.23 Councilmember Weiner commended all the participants on the bargaining team, both for the Town and the Fraternal Order of Police, for this agreement.

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

9.25 Councilmember Weiner stated that because his law firm represented some of the County's firefighters and paramedics, he needed to abstain from voting on this item.

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

9.27 Councilmember Cox indicated that she wanted a consensus from Council as to the Orange Drive corridor and the need to protect that area. Councilmember Weiner concurred with Councilmember Cox with regard to her ideas. He indicated that he was concerned about incorporating into the discussions some sort of effort to see if FDOT would provide monies to install an additional path or landscaping. Councilmember Cox said that she thought the Town was safer with telling FDOT to take their money and go away and asked for Mr. Rawls opinion. Mr. Rawls responded that he did not think the issues with the State were necessarily monetary and added that he thought it was an operational issue. He indicated that he believed Council should be careful to focus on the issue of possibly having access to Orange Drive across Pine Island Road, across Nob Hill Road, keeping that access, not seeing a ridge at 90th Avenue, protect Cooper City signal location and at the same time trying to provide the integrity along the Orange Drive corridor for the trails.

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

10. PUBLIC COMMENTS

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

10.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 24 OF THE TOWN CODE ENTITLED "TRAFFIC AND VEHICLES", BY AMENDING SECTION 24-3 ENTITLED "PROHIBITED PARKING; PROHIBITED OPERATION OF VEHICLES" BY ADDING A NEW SUBSECTION THERETO PROHIBITING MOTORIZED VEHICLES FROM OPERATING UPON BICYCLE PATHS AND HORSE TRAILS; 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 comments was closed.

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

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- 10.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-3, UTILITY DISTRICT, OF THE BROWARD COUNTY CODE TO RM-16, MEDIUM-HIGH DENSITY DWELLING DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-2-99, 3000 SW 59 Terrace)**

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 comments was closed.

Mayor Venis advised that a public hearing on item 10.2 would be held on May 19, 1999.

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

- 10.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CC, COMMERCE CENTER DISTRICT TO B-3, PLANNED BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-1-99, 7080 State Road 84)**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing on item 10.3 would be held on May 19, 1999.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments 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 - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 10.4 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF UTILITY EASEMENTS LOCATED WITHIN TRACT A OF THE ARCO BUILDING PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 2-1-99, 2275 SW 66 Terrace)**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing on item 10.4 would be held on May 19, 1999.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments 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 - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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11. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

- 99-14 11.1 **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. (tabled from April 21, 1999)**

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.

Neil Kalis, Chair of the Community Redevelopment Agency, indicated that Redevelopment Administrator Glenn Irwin had made a detailed presentation to Council at the previous meeting.

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

- 99-15 11.2 **WARRANTY DEED - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING WARRANTY DEED FROM SYLVIA HALL, LUCY BRUNO, PATRICIA FOJO AND GENEVIEVE MARSZALEK, CONVEYING CERTAIN PROPERTY FOR USE BY THE PUBLIC, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (Davie Road Extension between 75th and 76th Avenues)**

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

Quasi Judicial Items

- 11.3 **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 April 21, 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**

This item was tabled earlier in the meeting.

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- 11.4 **VACATION/ABANDONMENT** - VA 4-1-99, Town of Davie, approximately 330 feet east of NW 74th Avenue (to vacate a portion of NW 38 Street east of NW 74 Avenue and south of the plat of Stirlingwood II) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mr. Webber explained the rules concerning the presentation of evidence. Town Clerk Reinfeld swore in the witnesses. Mark Kutney, Development Services Director, advised that his qualifications were on file with the Town.

Mr. Kutney advised that he was representing the petitioner and read the planning report.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Mr. Webber stated that the hearing was concluded.

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

- 11.5 **VARIANCE** - V 2-1-99, Duckham/The Janoura Group, Inc., 6851 Stirling Road (B-1, B-2 and R-2) (to reduce the required open space from 30% to 26.8%) (tabled from April 21, 1999) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the preservation of the five acre open space wetlands areas*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone was opposed to the petition with no one responding. Gayle Easterling, Planning and Zoning Manager, 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.

Michael Janoura, representing the petitioner, explained the request.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Cox indicated that she had met with Mr. Duckham, Mr. Janoura and a neighbor, Jim Birch, regarding this site plan. Mayor Venis reported that he had spoken with Mr. Duckham and Mr. Janoura.

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

- 11.6 **REZONING** - ZB 1-1-99, Vietnamese Buddhist Cultural Center of Florida, Inc., 5000 SW 82 Avenue (from A-1 and B-2 to CF) (tabled from March 16, 1999) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval subject to the voluntary amendment to provide a deed restriction to use the property for religious institution only*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report.

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Michael Udell, representing the petitioner, stated that he did not believe changing the zoning for this piece of property would effect the traffic flow in the area or be a threat to the safety, health or welfare of the residents of Davie. He explained the request.

Councilmember Cox asked what types of activities there would be and the hours that they would take place. Mr. Udell indicated that they would meet once a week on Sunday from 10:00 to 2:00 to meditate, have discussions, and introduce their teens to the Buddhist lifestyle.

Khanh Truong explained that during the week there would be one or two monks living there doing their work.

Council disclosed that they had previous conversations with Mr. Udell.

Councilmember Paul questioned whether there was a possibility that the property might be used during the week for a school or something else. Mr. Udell answered that it was unlikely because the petitioner had agreed to the voluntary restriction of it being a religious facility only. There was discussion amongst Council that that would not necessarily preclude a school.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Councilmember Paul voiced a concern about the other church property would have vested rights which would result in there being two churches 750 apart which would then tend to change the character of the area. Councilmember Cox explained that she had wanted to make sure that they did not act in a way that would be injurious to the existing property. She added that she did not see any protest from the neighbors and felt that it might be a buffer from the commercial property.

Mr. Webber stated that the hearing was concluded.

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

11.7 **VARIANCE - V 3-1-99, Vietnamese Buddhist Cultural Center of Florida, Inc., 5000 SW 82 Avenue (A-1) (to reduce the required separation between houses of worship from 2,500 feet to 750 feet) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval***

There were new witnesses sworn. Ms. Easterling summarized the planning report.

Michael Udell, representing the petitioner, was present.

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

Jay Stahl, 5801 Surrey Circle West, was sworn in and commented that he felt it would be ludicrous to deny this variance after having approved the previous rezoning request.

Mr. Webber stated that the hearing was concluded.

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

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11.8 **VARIANCE - V 3-3-99, Pool Builders, Inc./Murphy, 2881 Hidden Hollow Lane (PRD 3.6) (to reduce the required side setback from 7.5 feet to 6.5 feet) Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval subject to obtaining homeowners association approval**

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling summarized the planning report as there appeared to be no opposition.

Willie Valesquez, representing the petitioner, presented an original letter from the homeowner's association. Mr. Webber accepted the letter, along with evidence that the homeowner's association had received the hearing notice, into evidence for the Council to consider.

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

Mary Murphy, the petitioner, was sworn in and explained the history of the two letters.

Mr. Webber stated that the hearing was concluded.

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

11.9 **VARIANCE - V 3-4-99, Parrish, 2701 SW 141 Terrace (A-1) (to increase the maximum area for a guest house from 400 square feet to 967.2 square feet) Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial**

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney read the planning report.

Mr. Kutney advised that there had been previous requests brought before the Council similar to this one and that the Planning and Zoning Division had recommended denial on all of them; however, Council had approved the request. He suggested that Council may want to review the Code with regard to the size of guest homes. Councilmember Cox stressed that the reason behind the original Code had been to prevent people from building another home on the other side of their property thereby doubling the density.

Councilmember Paul wanted it clarified that the petitioner was actually requesting two different items, the increase in square footage of the guest home and the installation of cooking and laundry facilities. Mr. Kutney responded that the installation of cooking and laundry facilities was actually going to have to be taken up at a later point and that the only issue being considered tonight was the increase in square footage.

John Millage, representing the petitioner, made a presentation with regard to what the petitioner was planning to do. He advised that the request for the stove had been withdrawn. Howard Zimmerman explained what the plans were for renovating the existing structure on the outside and the inside.

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

Michael Davenport, 14041 SW 22 Place, was sworn in and inquired if the improvements would include any type of cooking facility or anything that could be converted in the future to a cooking facility. Mr. Zimmerman answered in the negative. Mr. Davenport stated that his main concern had been the cooking facility.

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Jay Stahl, speaking as a member of the Planning and Zoning Board, clarified that the Board did not object to a stove, but to a kitchen. He stated that if the petitioner would deed restrict out the kitchen, he would be in favor and the Board would have no problem with the existing structure.

Mr. Webber stated that the hearing was concluded.

Vice-Mayor Bush disclosed that he had visited the structure at the request of the petitioner. Councilmember Weiner indicated that he had received a phone call from Mr. Chatlos seeking Council approval. Councilmember Cox noted that she had also discussed this issue with Lori Parrish previously. Councilmember Paul stated that she also had a discussion with Mr. Chatlos and Lori Parrish. Mayor Venis mentioned that he also had had conversations with the individuals involved.

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

11.10 VARIANCE - V 3-5-99, Zimmerman/Jewish Federation of Broward County, 5850 South Pine Island Road (CF) (to reduce the required number of parking spaces from 526 to 463) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone was opposed to the petition with no one responding. Ms. Easterling summarized the planning report.

Howard Zimmerman, representing the petitioner, explained the request.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Mr. Webber stated that the hearing was concluded.

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

11.11 SITE PLAN - SP 3-11-99, 441 Park of Commerce (FKA Davie Commerce Center II), west side of State Road 7 approximately 660 feet south of Griffin Road (M-2) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the Planning and Zoning Division's recommendation one through seven*

Mr. Webber stated that the Town had received correspondence from Mr. Atkinson on behalf of Charles M. Rowars, Trustee, stating objections and wishing to introduce evidence and opposition to the petition. He advised that his office performed work for Mr. Rowars and asked if anyone had any problem with him participating in the proceeding he would ask that it be indicated at this time. Dennis Mele, representing the petitioner, indicated that he did not have any objections.

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report.

Councilmember Cox questioned whether this was the same site plan that had already been approved. Ms. Easterling confirmed that it was, explaining that it had expired.

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Mr. Mele presented some exhibits to the Council. Mr. Webber indicated that the items were accepted into evidence.

Mr. Mele discussed each item in the exhibit package and explained that all renderings were identical to the ones seen last summer, indicating that nothing had been changed. He commented on the bill to be approved in the State Legislature regarding vehicle emission testing, noting that that would have a significant impact on the amount of traffic in the area of the property. Mr. Mele provided a summary of the history of the site plan application and indicated that the applicant would comply with all seven of the conditions set forth by the Planning and Zoning Division and Site Plan Committee.

Mr. Mele addressed issues such as spacing of driveways and volume of traffic, which he felt were in question, giving reasons and explanations of how the applicant would handle the various situations. He had back-up information in his exhibit package that related to these issues.

Alan Tintor appeared as a traffic engineer expert and reiterated Mr. Mele's statements with regard to traffic issues. Mr. Tintor went into more detail in discussing the issue of 51st Street and the turning lane as well as the spacing of driveways.

Mr. Atkinson, representing Charles Rowars, questioned Mr. Tintor and asked for further explanations with regard to the spacing of the driveways, level of service, and peak hours of traffic. He also asked Mr. Tintor for more detail in relation to the choice of "general light industrial" because he believed the site plan fit more of an "industrial land use." It was explained to Mr. Atkinson that various reports by the Institute of Traffic Engineers had been reviewed prior to making that determination.

Gus Aguirre, president of Associated Engineers of South Florida, Inc., was present representing the petitioner for the site plan. He answered questions in an attempt to provide more information and better explanations of what the site plan involved. Mr. Atkinson questioned Mr. Aguirre briefly.

Mr. Atkinson stated that Mr. Rowars had hired Kimley-Horn and Associates to conduct a traffic analysis in this area. He added that he had received correspondence and traffic studies from Kimley-Horn and Associates which seemed to substantiate the claims of his client. Mr. Atkinson went on to give his synopsis of the history of the site plan and explained the background of the property. Various photographs, documents, and letters were submitted into evidence. He stated that his client had no objection to the use of the Kaufman property, no objection to the site plan, but he did have an objection to their traffic accessing anywhere on 51st and adding more traffic to the intersection. Mr. Atkinson added that it was his client's belief that any inconvenience incurred should be by the people being brought into the area, not by the people already in the area.

Doug Coomer, Senior Vice-President with Kimley-Horn and Associates, was present to give evidence as an expert in the field of traffic engineering on behalf of Mr. Rowars. Mr. Webber indicated that he would be accepted as an expert in the field. Mr. Atkinson questioned Mr. Coomer with regard to the traffic analysis that had been done and what his opinions were as to the driveway distance. Mr. Coomer disagreed with the traffic analysis by the other engineering company. Mr. Coomer's report included figures for delays traffic could expect if the site plan were approved, which were almost twice what Mr. Tintor's analysis had shown. Mr. Coomer gave three alternative site plans that would be more acceptable.

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Mr. Atkinson questioned Mr. Rowars who confirmed that he was not objecting to the use of the property, only for the allowance of more traffic into an already overburdened situation.

Ms. Easterling was questioned with regard to there being a possible wetland determination on the property at issue that could be problematic. There was some discussion with regard to that with no real determination being made. Ms. Easterling indicated that no one from the County had made any investigation into the situation.

Mr. Rawls was questioned by Mr. Atkinson and Mr. Mele with regard to what the County would allow with regard to the level of service and traffic analysis. Mr. Rawls emphasized that the improvements that the petitioner had agreed to would correct and improve some of the problems already existing at the intersection of State Road 7 and 51st Street.

Mr. Atkinson gave some concluding remarks suggesting that the information used by Mr. Mele's expert was outdated, flawed, and incomplete. Mr. Mele made some closing remarks wherein he stressed that the mere fact that Mr. Atkinson's expert had not had enough time was not his client's fault.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Cox questioned Mr. Rawls about a non-vehicular line on the plat and whether that was to keep Park of Commerce from accessing different roads through the residential area. Mr. Rawls confirmed that that was the case and explained in detail how that had come about.

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

Items to be tabled

**11.12 PLANNING AND ZONING BOARD TABLED TO APRIL 28, 1999:
COUNCIL CAN TABLE TO MAY 19, 1999**

ZB 3-1-99, FMC Telecommunications, Inc., 6045 SW 45 Street (B-2)

This item was tabled earlier in the meeting.

**11.13 PLANNING AND ZONING BOARD TABLED TO APRIL 28, 1999:
COUNCIL CAN TABLE TO MAY 19, 1999**

SE 3-1-99, FMC Telecommunications, Inc., 6045 SW 45 Street and 6051 SW 45 Street (B-2)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

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12. SITE PLANS

12.1 SP 12-5-98, Comfort Suites, 2540 SW 64 Avenue (M-4, County) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the applicant making the modifications meeting the Town Code, that the cantilevering would only appear on the fourth and fifth floors and to replant an appropriate number of palms of height in the areas that would be opened up for landscaping*

Thomas Ritter, representing the petitioner, was present. Ms. Easterling summarized the planning report.

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

13. APPOINTMENTS

13.1 Community Redevelopment Agency (one non-exclusive nomination - must reside or engage in business within the jurisdiction of the Town; term expires April 2000)

Councilmember Cox nominated Joan Kovac. Vice-Mayor Bush nominated Lynn DeLorenzo.

In a roll call vote on Joan Kovac, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - no; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

13.2 Youth Advisory Board (non-exclusive nominations - 15 voting student members who are concerned with and interested in the park facilities and leisure needs of the youth citizens in the Town and must reside in the Town of Davie. The members shall be comprised of students from grades five through twelve; the Council shall consider the following criteria: a) demonstration of interest in park facilities and leisure needs of the youth citizens in the Town; b) participation in team sports programs; and c) average or above average academic performance at their school; terms expire May 2000)

Mayor Venis appointed his daughter, Kathleen Venis; Matt Berry; and Allie Apolinario. He stated that his daughter would be a conditional appointment subject to Mr. Webber determining if this appointment would be appropriate. Councilmember Weiner clarified that these appointments were non-exclusive appointments with Mr. Webber responding in the affirmative. Vice-Mayor Bush appointed Pamela Lloyd and Sara Coozie.

In a voice vote, all voted in favor of the five students appointed. (Motion carried 5-0)

14. OLD BUSINESS

14.1 Update Regarding Community Complaints on Vendor Activity at Tower Shoppes

Mr. Rawls reported that the sentiment in the community seemed to be more regional in nature as to how it related to all the activities at the Tower Shoppes. He added that the

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community did acknowledge some improvements on specific complaints at the Home Depot location but the residents then provided a whole new set of complaints regarding trash and debris.

Mr. Rawls stated that the residents did not necessarily object to the car show, but they did object to the vendors at the car show. He recommended that a meeting be scheduled between the car show promoters and the residents of the community to try to work something out. Mr. Rawls indicated that the car show promoters had previously recommended that the items being sold be related to the car show.

Councilmember Paul stated that she had contacted some of the residents with regard to the situation. She agreed that many of the comments reflected more of a problem with Home Depot than with the car show. It was decided that Mr. Rawls would try to arrange a meeting that would include the residents.

14.2 Update Regarding Construction Options for the Florida Department of Transportation Griffin Road Project (bridge locations and Orange Drive access barriers) (see item 9.27 for policy statement)

Mr. Rawls reported that there had not been any change at the State level and added that Council's resolution would be forwarded to the State. Councilmember Cox suggested sending the resolution to the City of Cooper City also.

14.3 Mort Meyers Memorial

Mr. Rawls advised that Mr. Meyers' family had been very moved and honored by the Town's offer to rename a portion of Pine Island Road adjacent to the JCC as Mort Meyers Boulevard or Mort Meyers Parkway and then dedicating the community building in his honor.

There was some discussion about placing a plaque at Robbins Lodge in honor of Jim Smith.

15. NEW BUSINESS

15.1 Report on Town Concurrency Requirements for Roads Associated with Plat and Development Approvals

This item was withdrawn.

16. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 1:27 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk