

**TOWN COUNCIL
REGULAR MEETING
JULY 21, 1999**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 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 Town Administrator Middaugh, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

10.3 Bill Laystrom, representing the petitioner, requested to withdraw this item from the agenda. He explained that the petitioner was intending to rezone the property for a multi-family residential project. He pledged to notify the presidents of the homeowners association of the new application.

Mayor Venis recessed the meeting at 7:05 p.m. and reconvened at 7:07 p.m.

Councilmember Weiner advised that he had declined his appointment to the Fire Pension Board and referenced a State Constitutional Provision which prohibited Elected or Appointed Public Officials from serving in two separate public offices. It was his understanding that if he accepted the position on the Board, he would have effectively vacated his position on Council and he had requested a legal opinion from Mr. Webber. Councilmember Weiner further noted that he had advised Town Clerk Reinfeld and the Fire Board that he would not be able to accept the appointment. By completing such action, Councilmember Weiner indicated that he was advised by the Attorney General that he had not abandoned his Council position.

Councilmember Weiner questioned whether Vice-Mayor Bush, by serving on the Police Pension Board, had effectively vacated his Council position. He referenced Mr. Webber's written opinion which stated that the appointment did not presumptively violate the prohibition. Additionally, each appointment and board composition must be reviewed on an individual basis. Councilmember Weiner noted that the courts had not defined the word "presumptively"; however, the Attorney General had provided a definition on several occasions, specifically with regard to municipal retirement boards. The Attorney General had opined that in order to not violate the Constitutional prohibition, the duties for the pension board must be imposed.

Mr. Webber had advised that Attorney General opinions were not a binding legal authority, but that court decisions were; however, the Supreme Court relied upon the opinion of the Attorney General. Councilmember Weiner noted that Mr. Webber disagreed with the Attorney General's opinion since previous Councilmembers had served on these boards. He stated that he had faxed his opinion to the Attorney General's office along with Mr. Webber's opinion. The Attorney General's office advised, without commenting on the propriety of Mr. Webber's opinion, that since a legal opinion had been issued, it would defer from issuing one. Councilmember Weiner stated that if anyone disagreed with Mr. Webber's opinion, a legal action could be filed. Councilmember Weiner expressed his belief that he would not like to see any legal action taken against Vice-Mayor Bush and felt he was placed under unfortunate circumstances since he was not aware of the possible violation of the Constitutional prohibition. He stated that it was his opinion that Vice-Mayor Bush had abandoned his position and noted that there were several issues that need to be resolved.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

Councilmember Weiner asked whether or not the Town would be liable under the quasi-judicial procedures since Vice-Mayor Bush's position was in question. Mr. Webber stated that no one would have a valid claim and there would be no jeopardy. If one were to assume there was a violation, which he had determined this was none, and a court decided there was a violation and chose to overturn the will of the voters and remove Vice-Mayor Bush, every action taken would still be valid until he was removed from office on a de-facto basis.

Mayor Venis noted that Council had received Mr. Webber's memorandum of law opining that there was no problem with Vice-Mayor Bush serving as a Councilmember and Police Pension Board member. Mr. Webber concurred and noted that an opinion by the Board's attorney, Robert Klausner, was also part of his memorandum. Additionally, Mr. Webber noted that Mr. Klausner concurred with his opinion.

Councilmember Weiner noted that the documentation stated that Mr. Klausner had not specifically reviewed the duties of a Councilmember. Furthermore, the documentation continued that if Mr. Webber determined that if the duties include this requirement that he would agree that it would not violate the prohibition. However, it further referred to the common law issue as being inconsistent.

Mr. Webber replied that the court referred to a conflict resulting in the two positions on a particular issue; however, he felt the decision was clear that there was no conflict in sitting in both positions. He added that if an issue should arise that would create a conflict, then that point would have to be resolved. Additionally, Mr. Webber clarified that he had sent his opinion to Mr. Klausner in which he replied by telephone that he concurred with the opinion.

Councilmember Weiner expressed concern with regard to Mr. Klausner's comments referring to his suggestion to recommend a technical amendment being added to the Code regarding Councilmembers sitting on a retirement board. Mr. Webber replied that he made the same recommendation.

Councilmember Weiner further noted his concern relative to Mr. Webber's opinion that the Town had consistently relied upon opinions from the Attorney General. In this case, Mr. Webber was advising that the Attorney General's opinion did not support Vice-Mayor Bush serving on the Pension Board. Mr. Webber explained that he requests opinions and follows them on prospective situations. He was requested to provide an opinion as to the status of the law relative to an existing condition. If he was to provide an opinion after the fact, he could only rely on the law. Mr. Webber noted that the Attorney General's opinion was simply an opinion. He explained that he must rely on the law versus an opinion and his legal opinion was based on the law. Mr. Webber stated that Attorney General opinions were valid and he relied on them frequently.

In conclusion, Councilmember Weiner welcomed any Councilmember to accept the position on the Fire Fighter Pension Board and challenge the opinion.

3. PRESENTATIONS

3.1 Davie Tigers Baseball Team - Bill Edmondson

Lisa Edmondson advised that \$1,400 had been donated to help with baseball team to travel to their championship game.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

3.2 Introduction of New Police Captain, Lieutenant and Sergeant

Police Chief John George introduced Captain Edward Taylor, Lieutenant William Bamford and Sergeant Greg Mize.

3.3 Teresa Close-Harrison, Information Systems Specialist - Five Years

Mayor Venis presented Ms. Close-Harrison with a service award.

3.4 John Nasta, Jr., Police Officer - Five Years

Mayor Venis presented Officer Nasta with a service award.

3.5 James Carney, Police Officer - Ten Years

Mayor Venis presented Officer Carney with a service award.

3.6 Sharon Pierce-Kent, Director of Community Services - Fifteen Years

Mayor Venis presented Ms. Pierce-Kent with a service award.

3.7 Robert Banks, Police Sergeant - Twenty Years

Mayor Venis presented Sergeant Banks with a service award.

3.8 Scott McInerney, Police Lieutenant - Twenty Years

Lieutenant McInerney was not present.

3.9 James Wollschlager, Police Captain - Twenty Years

Mayor Venis presented Captain Wollschlager with a service award.

3.10 Design Options for Pine Island Park

Jim Brady, representing the Pine Island Lakes Townhomes Association, provided an overview of the Association's proposed plan which he felt addressed environmental concerns, as well as issues, raised at the Parks and Recreation Advisory Board meetings. The plan proposed a passive play area on the west side of Pine Island Road with a restriction of no lights on the field.

Bill Freeman, President of the Pine Island Lakes Townhomes Association, expressed concern with regard to the lights and noise for the project. He pledged to work with staff to develop an outstanding multi-purpose building while minimizing the impact on the townhomes.

D.J. Meeks clarified it was not the intent of the residents to eliminate ballfields; however, the residents would like a buffer to reduce the impact of the lights and noise. She noted her experience dealing with environmental issues in the community. Furthermore, she noted the birds that were unique to the area and were nesting on the property. Ms. Meeks expressed concern with regard to no environmental impact study being conducted prior to the land preparation as required by Code. She was requesting that the Town consider the impact on the animals and surrounding neighbors. Ms. Meeks felt this could be done inexpensively and without taking money away from the bond.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

Monica Galston stated that she was not opposing the park; however, she expressed concern with regard to the noise and lights being generated from the existing ballfields 1,500 feet from her property. She felt the recently installed buffer would not adequately protect the residents from the noise and lights from the ballfields.

Richard Rubin provided an overview of the association's proposed plan for the park and explained his views relative to compatibility with the surrounding areas. Renderings of the Parks and Recreation Advisory Board's proposed comprehensive plan were distributed. Mr. Rubin stated that his goal was not to reduce any of the standards recommend by the Board including the size of the field and the amount of parking spaces. His intent was to design a plan that would not fiscally impact or cause delays to the project. Mr. Rubin summarized that the proposed plan, which had not been reviewed by staff, did not differentiate from any of the requirements provided by the Board or staff. However, it contained two components which made the plan more compatible with the area: 1) the fields on the southeast corner were moved away from the surrounding neighbor's property line. In between the lighted ballfields and the canal a play area was proposed; and 2) the parking was redistributed to more appropriate locations. Mr. Rubin felt the proposed plan would provide extra playing fields along with additional parking spaces.

Mr. Brady stated that he felt the proposed plan was a "winner", addressed everyone's concerns, and protected the community.

Corey Johnson, Chair of the Parks and Recreation Advisory Board, provided a brief overview of previous meetings in which the Board received input from several individuals as to the problems of the sports programs being offered by the Town, what could be done to improve the sports program, and the future of the programs. As a result of the hard work of several individuals, 67% of the voters endorsed the concept, design, the vision, and the programs in the \$12 million bond. However, additional work needed to be completed, such as addressing new ideas, concepts, resident's concerns, sizes of facilities, fields, etc. Mr. Johnson noted the Board's efforts to work with the community to address all of the aforementioned issues. The footprint and proposed plan had taken into consideration the future of the Town and represented the needs of the community. Mr. Johnson stated that the plan as proposed by the Board provided for eleven 300-foot fields which were not limited to one activity, addressed the community's needs, and accommodated all sports. Furthermore, the reason the Board endorsed this program was to address the current and future needs of the community. Mr. Johnson provided an overview of several restrictions that were being proposed to assist the neighbors with their concerns. He expressed concern with regard to terminating this project due to residents objections to light and noise.

Sharon Pierce-Kent, Director of Community Services, complimented those involved on their efforts to reach a compromise. She provided an overview of another compromise which entailed the lower quadrant fields reduced to two 225-foot fields. Additionally, staff proposed to reduce the runways by 25 feet which would provide a 100-foot buffer to the residents. Furthermore, staff added a 4-foot berm, a double-row of areca bushes, and large canopy trees thereby providing an adequate buffer, an effective way to provide services, not having to walk a distance to use the restroom, and utilizing minimal staff.

Mayor Venis questioned whether the compromise plan would accommodate the girls softball fields. Ms. Kent replied that the two 225-foot fields would accommodate the softball. She further noted that these fields could also be used for football, soccer, and field hockey.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

Mark Dornacker, Community Services Supervisor, commented that the 100-foot buffer area could be utilized as a warm-up area, practice area or a buffer area. Additionally, he noted that the issues were not limited to the sports program but could also bring people together .

Councilmember Cox clarified that the 100-foot buffer easement was in addition to the canal being a 50-foot canal with easement, and a 4-foot berm. She expressed her belief that the arecas, along with the canopy trees, would provide a good buffer.

Councilmember Paul questioned the plans for the canal bank. After some discussion, it was determined that the slope would be determined by the Central Broward Drainage District's standards. Staff had committed to work with the District and agreed to provide a 4-foot high buffer from the prevailing grade.

Mayor Venis inquired whether some of the existing trees and native vegetation could be saved. Mr. Rawls provided an overview of the plants that were intended to be saved and the reasons why the canopy trees were chosen. It was his belief that the residents would be provided a green view from their homes.

Mayor Venis questioned whether the park would use technically advanced lights that were less intrusive. Mr. Rawls advised of a product that was more sensitive to the surrounding areas, provided better directional capabilities, and less spillage. These lights would be different than those on the existing fields.

Councilmember Paul noted her appreciation with regard to the environment, in particular to saving the bird habitats. She suggested using canopy trees that would encourage the bird habitat.

Mayor Venis asked if anyone wished to speak on the issue.

Joy Yoder, 12610 SW 13 Manor, noted Davie's reputation relative to its recreation program and she felt a state-of-the-art facility was needed in order to accommodate the needs of the children. She recommended that staff consider turning the lights off when the fields were not in use.

Diane McKutchen, 4269 South Pine Island Road, questioned why the neighboring children were subject to being raised in an environment that was noisy and could not be enjoyed.

Darlene Harris, a professional biologist, was present on behalf of the Homeowner's Association. She provided a list of species which were viewed on the property and indicated that the list contained species of special concern which warranted special protection by the Florida Game and Fresh Water Commission. Ms. Harris provided an overview of the woodstork bird that was on the list and was an endangered species. She urged Council to support vegetative areas for the birds to nest.

Mayor Venis closed this public comments portion of the meeting.

Councilmember Paul commented that staff had not reviewed Mr. Rubin's final proposal. She stated that the proposals need to be further reviewed to see whether the buffer, canopy and lighting issues had been satisfied.

Mayor Venis questioned Mr. Brady as to whether the cost had been determined. Mr. Brady responded affirmatively and pledged to work with staff. Mr. Brady explained that it was the consultant's understanding of the project and staff's comments that there would be no additional material cost plan as compared to Mr. Johnson's or staff's proposals; however, additional lighting was proposed and would be an additional cost to those proposals. Mr. Brady concurred with Councilmember Paul's comments relative to reviewing the plans to see whether the issues had been satisfied.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

Councilmember Paul noted the importance of maintaining the quads and the adult needs. She expressed concern with regard to moving monies around to offset funds and the location of the fields. Councilmember Paul felt the project needed to be reviewed further.

Councilmember Weiner concurred with Councilmember Paul; however, he stated that the impact on the surrounding neighbors was not reversible. He felt staff should meet with the neighbors and decide whether or not the issue should be brought back to the Board or Council.

Mayor Venis suggested that this item be deferred and for staff to conduct additional meetings.

Councilmember Cox stated that the cost issue would be an important factor and indicated that most of the options had been considered. She suggested to price each of the plans, determine whether the issues had been addressed and if the plan was cost effective.

Vice-Mayor Bush stated that he was in favor of staff's proposal; however, he felt the other plans should be considered. He felt an additional two weeks should be provided.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to table until the second meeting in August [August 18, 1999]. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis recessed the meeting at 8:44 p.m. and reconvened 8:53 p.m.

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

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Five Star Rodeo (July 24th); National Crime Night Out (August 3rd); State/National Stereo and Car Show (August 8th); Junior National Rodeo Championship (August 20th - 21st); September Country Craft Show and November Country Craft Show (applications being accepted); and Concert in the Park (August 15th).

Ms. Pierce-Kent announced that upcoming events included: meeting to obtain ideas on activities at Pine Island Community Center (July 23rd and 26th); flag football (registrations being accepted until August 6); and girls cheerleading (August 23rd).

3.12 Comprehensive Annual Financial Report for Fiscal Year 1998

Budget and Finance Director Christopher Wallace provided an overview of the financial report for fiscal year 1998.

Councilmember Weiner expressed concern with regard to page 78, specifically the management letter referring to the aquaculture fund. He noted that the fund appeared to have sustained a deficiency of \$250,000 and questioned whether the funds were being transferred from the Community Endowment Trust Fund to the Aquaculture Funds. Mr. Wallace responded in the affirmative and explained that the loss was anticipated and approved by Council when the fish farm was created. He suggested further review would be warranted if a profit was not obtained by the next fiscal year.

Mayor Venis complimented the report and noted that the tax list would increase this fiscal year with several new businesses, such as the Muvico theater.

3.13 Reese Road Update

Mr. Rawls stated that he had spoken with Mr. Hunt who requested that two legals be refined. He added that drainage changes would be made to enhance the agreement.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

4. OCCUPATIONAL LICENSES

Home Occupational Licenses

4.1 RAM Plastering & Stucco, Inc., 13520 SW 28 Street

Roland Marcotte, Jr., the applicant, was present. He confirmed that the request was for mail and phone use only. Mr. Marcotte indicated that there would be no storage on the property.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.2 Endeavor Investment Properties, Inc., 13240 SW 32 Court

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

In a voice vote to approve, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that items 10.6 and 10.8 needed to be tabled to August 4, 1999.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table. 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 announced that item 10.7 had been withdrawn and would be rescheduled at a later date.

Mayor Venis announced that item 10.9 needed to be tabled to August 18, 1999.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table. 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 announced that item 12.3 needed to be tabled to August 4, 1999.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table. 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)

5. MAYOR/COUNCILMEMBERS COMMENTS

VICE-MAYOR BUSH

Vice-Mayor Bush indicated that because of the late hour, he had nothing to report.

COUNCILMEMBER COX

ORANGE DRIVE. Councilmember Cox noted that Mr. Rawls had met with the engineers on the drainage project east of Davie Road. She advised of the lack of cooperation and she would be meeting with Mr. Chesser of the Florida Department of Transportation.

MULTI-PURPOSEBUILDING. Councilmember Cox stated that a meeting was held with the architect regarding the multi-purpose building for the Bamford Park area. She encouraged the public to attend the meeting scheduled for July 23rd at 3:00 p.m.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

COUNCILMEMBER WEINER

HELMETS. Councilmember Weiner provided information regarding helmets to Town Clerk Reinfeld and requested the information be forward to the Child Safety Board members.

DEEP WELL INJECTIONS. Councilmember Weiner referenced an article in the Sun Sentinel and noted that this was a serious concern.

SUNRISE LITIGATION EXECUTIVE SESSION. Councilmember Weiner noted that the Executive Session had been postponed so that Mr. Middaugh would be available to attend. Mr. Webber indicated that he was in the process of scheduling this meeting.

COUNCILMEMBER PAUL

AGRARIAN COMMITTEE. Councilmember Paul advised of meetings being conducted with the Development Services Department and distributed copies of the Mission Statement. She requested Jose Schmidt, Florida Department of Agriculture and Consumer Services, be placed on the August 18 agenda.

HELMET PROGRAM. Councilmember Paul explained that the Helmet Program would be incorporated into the School Resource Officer programs and added that the program would include bicycle and equestrian helmets. Councilmember Weiner advised that several offers for donations had been received and the Calder Race Track Jockey's Association had donated \$200 for children who could not afford helmets.

DAVIE DAY. Councilmember Paul stated that Davie Day at Lockhart Stadium would be held on August 7th.

POLICE EXPLORERS. Councilmember Paul congratulated the Explorers on the trophy that they received at the State Competition.

AGRICULTURE CLASSIFICATIONS. Councilmember Paul thanked Mayor Venis for his support in sending a letter to the Tax Appraiser relative to the agriculture classifications.

WATER RATES. Councilmember Paul noted that the rates had been increased.

WESTON HIGH SCHOOL. Councilmember Paul stated that a meeting was held and noted that some of the monetary issues had been addressed.

DEAN ALEXANDER. Councilmember Paul congratulated Dean Alexander on his medal received at a fencing competition.

BUG BUTTON. Councilmember Paul noted that there was a new button designed to repel insects and she would provide a report at the next meeting.

MAYOR VENIS

CERTIFICATE OF APPRECIATION. Mayor Venis stated that a Certificate of Appreciation was received from Flamingo Elementary School.

MISSING GUARDRAIL. Mayor Venis noted that a section of guardrail was missing along the canal bank near Flamingo Road and SW 36 Street and requested a report at the next meeting.

PARKS ON EASTSIDE. Mayor Venis requested this item be placed on the next agenda under new business.

COMCAST FRANCHISE AGREEMENT. Mayor Venis noted that a letter was received from Broward County Commissioner Lori Parrish relative to the Town receiving the franchise fees from the areas recently annexed.

HAPPY BIRTHDAY. Mayor Venis wished his son, Harry, a Happy Birthday.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

6. TOWN ADMINISTRATOR'S COMMENTS

Mr. Middaugh thanked the residents for attending the meeting and indicated that he was becoming acquainted with staff, Council, and the public.

7. TOWN ATTORNEY'S COMMENTS

Mr. Webber provided an update on litigation in which the Town was involved: Bar-B Ranch; Orendello; 142nd Avenue; Sunrise; 175/185 Funds; Coastal Carting; Statewide Towing; LDG Corporation; and Rose. He indicated that an Executive Session on the Sunrise litigation was being scheduled.

8. CONSENT AGENDA

Resolutions

- R-99-235 **8.1 BID EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE BID FOR CONCRETE RECREATIONAL PATHS. (Doug Amos Construction, Inc.; extension through September 2, 2000)**
- R-99-236 **8.2 BID EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE BID FOR PRINTING AND MAILING TOWN OF DAVIE FORMS. (Avatar Utility Services, Inc.; extension through May 6, 2000)**
- R-99-237 **8.3 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR FERTILIZER. (lowest responsive and responsible bidder for each item)**
- R-99-238 **8.4 TOWING SERVICE SPECIFICATIONS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE SPECIFICATIONS FOR VEHICLE TOWING SERVICES.**
- R-99-239 **8.5 TRAVEL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF TRAVEL EXPENSES TO ATLANTIC CITY, NEW JERSEY, AND REQUEST FOR DISCRETIONARY LEAVE FOR THE POLICE HONOR GUARD. (\$3,500 for travel expenses)**
- R-99-240 **8.6 LAW ENFORCEMENT TRUST FUND - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE FOR DAVIE POLICE SPECIAL INVESTIGATIVE FUNDS FROM THE LAW ENFORCEMENT TRUST FUND. (conducting criminal and narcotic investigations; \$4,000)**
- R-99-241 **8.7 TRAINING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING EXTENDED TRAVEL FOR GEORGE RODRIGUEZ OF THE DAVIE POLICE DEPARTMENT TO ATTEND THE 194TH POLICE ACADEMY. (\$1,575)**

**TOWN COUNCIL MINUTES
JULY 21, 1999**

- 8.8
R-99-242 **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY 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 2-1-99, Calvary Chapel Plat, west side of Flamingo Road between SW 14 Street and SW 26 Street) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report***
- 8.9
R-99-243 **REQUIRED IMPROVEMENTS 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 B.G. PINE ISLAND CORP. RELATING TO THE INSTALLATION OF REQUIRED IMPROVEMENTS ASSOCIATED WITH THE PINE ISLAND COMMERCIAL PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT. (DG 6-3-99, 8501 Orange Drive)**
- 8.10
R-99-244 **REVISION TO RESTRICTIVE NOTE- A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICW NORTH PLAT" APPROVED BY RESOLUTION NO. 99-43, AND PROVIDING AN EFFECTIVE DATE. (DG 7-1-99, 15885 Pointe West Drive)**
- 8.11
R-99-245 **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 95-411 FROM \$9,200 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (Sned, Pruitt, D'Angio and Tucker on behalf of Broward Plaza Partnership and Blanche Fink and L. Kaufman and Irene Kaufman)**
- 8.12
R-99-246 **FUNDING PARTICIPATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO FUND UP TO \$3,600 TOWARDS THE ESTIMATED \$7,000 EXPENSES INVOLVED IN PARTICIPATING IN THE NATIONAL KHOURY LEAGUE CHAMPIONSHIPS BEING HOSTED BY THE CITY OF SAINT LOUIS, MISSOURI ON JULY 30, 31 AND AUGUST 1, 1999 IN SAINT LOUIS, MISSOURI.**
- 8.13
R-99-247 **WAIVING/ACCEPTING BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA WAIVING FORMAL BIDDING AND ACCEPTING THE BID FROM DOVER, KOHL & PARTNERS AS A SOLE SOURCE SUPPLIER FOR ARCHITECTURAL AND URBAN DESIGN SERVICES PERTAINING TO THE PROPOSED GRIFFIN ROAD CORRIDOR OVERLAY DISTRICT AND AUTHORIZING THE APPROPRIATE OFFICIAL(S) TO EXECUTE AN AGREEMENT FOR SERVICES; PROVIDING FOR AN EFFECTIVE DATE.**

**TOWN COUNCIL MINUTES
JULY 21, 1999**

8.14 BUILDING CODE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING THAT THE FLORIDA BUILDING COMMISSION ADOPT A FLORIDA BUILDING CODE THAT WILL MAINTAIN THE CURRENT LEVEL OF LIFE SAFETY PROVIDED TO THE CITIZENS AND RESIDENTS OF BROWARD COUNTY IN THE CURRENT SOUTH FLORIDA BUILDING CODE; AUTHORIZING AND DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE GOVERNOR OF THE STATE OF FLORIDA, THE FLORIDA BUILDING COMMISSION, THE INSURANCE COMMISSIONER OF THE STATE OF FLORIDA, THE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE BOARD OF COUNTY COMMISSIONERS OF BROWARD, MIAMI-DADE AND MONROE COUNTIES, THE BROWARD COUNTY LEGISLATIVE DELEGATION, THE CITY COMMISSION OF EACH CITY IN BROWARD COUNTY, THE FLORIDA LEAGUE OF CITIES, THE BROWARD COUNTY LEAGUE OF CITIES AND OTHER INTERESTED GOVERNMENTAL AGENCIES; PROVIDING FOR AN EFFECTIVE DATE.

R-99-248

8.15 EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO ACCEPT AND APPROVE THE EXPENDITURE FOR GRANT FUNDING UNDER THE DAVIE IN-CAR VIDEO PROJECT, A PROGRAM ADMINISTERED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION. (Mobile Vision Inc., piggybacking on Brevard County Sheriff's Office Bid #974, will furnish 6 Mobile Vision DUI Camera outfits, extended warranties and accessories in the amount of \$21,810)

R-99-249

Councilmember Paul asked that items 8.3, 8.9, 8.12, and 8.13 be removed from the Consent Agenda. Councilmember Weiner asked that item 8.5 be removed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 8.3, 8.5, 8.9, 8.12 and 8.13. 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)

8.3 Councilmember Paul expressed her concerns with the types of fertilizer and the run-off. Mr. Rawls explained that the fertilizer was a nitrogen mix and noted that there was a phosphorus deficiency which needed to be replenished. With regard to runoff, he noted that there were very few parks that had a lake and would not be affected by the drainage. Mr. Rawls advised of a pre-drainage system in which the water was treated prior to going into any water bodies.

Councilmember Paul made a motion to approve item 8.3. In a voice vote to approve, all voted in favor. (Motion carried 5-0)

8.5 Councilmember Weiner noted a fundamental disagreement relative to funding and he was glad to see that there seemed to be a change in the policy.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

Councilmember Cox responded that Councilmembers may not have necessarily changed their position and added that she felt that Council had been provided with more information to be able to make a decision.

In a voice vote to approve, all voted in favor. (Motion carried 5-0)

8.9 Councilmember Paul stated that it appeared that some of the improvements may be unnecessary if the Department of Transportation moved forward with the proposed plans.. Gayle Easterling, Planning and Zoning Manager, explained that these improvements were determined by Broward County as conditions of plat approval. The agreements allowed the property to be liened in order to secure the improvement for plat recordation. The developer would then replace the lien with a bond or letter of credit, a building permit was issued, and subsequently after all of the site improvements were completed. a certificate of occupancy was issued.

In a voice vote to approve, all voted in favor. (Motion carried 5-0)

8.12 Councilmember Paul stated that she wanted to make sure the baseball team had enough money.

An unidentified man (Dennis Sedley) indicated that approximately \$900 had been raised at the spaghetti dinner. He advised that of the \$9,161 needed, \$5,212 had been raised and if there was any over collection, the money could go into a fund for other sport's teams road trips.

Councilmember Paul made a motion, seconded by Councilmember Cox, to raise the amount to \$4,000. In a voice vote to approve, all voted in favor. (Motion carried 5-0)

Councilmember Cox made a motion to approve item 8.12 as amended. In a voice vote to approve, all voted in favor. (Motion carried 5-0)

8.13 Councilmember Paul expressed concern with regard to the "open-ended" fee amount. She suggested that the terminology be changed to an amount not to exceed \$700.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve item 8.13 with the terminology changed to not to exceed \$700 in expenses. In a voice vote to approve, all voted in favor. (Motion carried 5-0)

9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held August 4, 1999)

9.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITY 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 4-3-99, 1220 SW 133 Avenue)

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 were closed.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

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 - yes. (Motion carried 5-0)

9.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO RM-5, LOW MEDIUM 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 5-2-99, 5060 SW 82 Avenue)

Mayor Venis advised that a public hearing on item 9.2 would be held on August 4, 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 comments were closed.

Councilmember Paul commented she was reluctant to rezone agricultural lands; however, staff had advised that this use was consistent with other uses along the road and was consistent with the Comprehensive Plan. She stated that for that reason, she would vote in favor of this rezoning.

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)

Mayor Venis advised that the site plans would be taken out of order and heard at this time.

12.1 SP 3-9-99, Eckerds at Davie

Mr. Laystrom felt that the outstanding issue was the access point along Shenandoah Parkway and presented an overview of the site plan. He noted that the access point was currently platted for right-in and right-out access and noted that a number of alternatives had been considered including a U-turn movement along Shenandoah Parkway which was not acceptable to the residents. As an alternative, a "mid-block U-turn" movement was proposed. Mr. Laystrom advised that the residents expressed concern with regard to the potential increase in traffic from patrons trying to access Financial Boulevard through the development. Subsequently, another proposal making a left-turn in and left-turn out was proposed; however, the Town's Engineering Department had extensive concerns relative to the turn movement.

Mr. Laystrom proposed that the site plan be accepted as presented and added that he would apply to Broward County to seek the alternative which must be approved by the County. As part of the approval, a bond would be offered for the cost to make the alterations in the event they were not made. This would provide the applicant to have site plan approval on the property and allow them to close on the property. The residents had offered to recommend that the site plan be approved with the right-out in a different location and move forward to the County. Mr. Laystrom advised that the site could not be purchased

**TOWN COUNCIL MINUTES
JULY 21, 1999**

under those conditions. It was Mr. Laystrom's opinion both sides were close; however, this issue was still outstanding. He pledged to provide a bond, if the County did not approve their request, to provide the mid-block or full U-turn on Shenandoah Parkway. Furthermore, he agreed to all of staff's comments.

Alan Tinter, traffic engineer, provided an overview of the analysis he had completed and he estimated the site would generate approximately 987 trips per day. He indicated that he felt there was no reason for the larger trucks to impact Shenandoah Parkway. Additionally, the exit lane onto Shenandoah Parkway was important to serve the patrons to the west of the property.

Mayor Venis disagreed with Mr. Tinter's comments regarding increased truck traffic along Shenandoah Parkway. He felt the probability of additional deliveries being made to the west, utilizing Shenandoah Parkway, would be the shortest route. Mayor Venis noted the extensive truck and increased car traffic he had viewed along Shenandoah Parkway and felt the statistics would show that a lot of the traffic was "cut-through" traffic.

Mr. Tinter concurred that additional deliveries would be made to the west; however, he felt the drivers would use SW 136th Avenue versus Shenandoah Parkway since it would be a faster route. He was under the impression that Eckerds would be able to control its own vehicles and made strong recommendations to the other delivery vehicles to not use Shenandoah Parkway. Mr. Tinter acknowledged Mayor Venis' perception of the increased truck traffic; however, he noted that the statistics showed that there was approximately 4% of truck traffic.

Mr. Laystrom advised of several conversations with Eckerds discussion the removal of the right-out and felt the site would not be acceptable without the right-out. It was his belief that was the reason why Walgreens relocated their facility and noted that the Eckerds was purposely downsized from the Walgreens.

Mayor Venis stated that after speaking with Commissioner Parrish, he was under the impression that the County would work with the applicant relative to the right-out. Mr. Laystrom concurred and pledged to request the right-out. In order to move forward and purchase the property, an approval for the site plan was needed.

Councilmember Paul complimented Mr. Laystrom in his efforts to work with the residents; however, she was concerned with regard to approving the right-out on Shenandoah Parkway and if the County Commission did not grant the approval. She questioned the time restraints in which the applicant was under to close the property. Mayor Venis expressed his reluctance to approve a site plan with such a contingency. He commented that he felt this was a different situation than when the Walgreens sought approval from the County in that the applicant had the support from the Town

Lynn Wilder, representing the Shenandoah Homeowners' Association, felt that Eckerds would be a welcomed asset to the community and the residents did not object to the Eckerds. He explained that the residents objected to the egress onto Shenandoah Parkway and noted that the concerns related to the traffic hazards and increased commercial traffic. In a meeting on July 16th, Mr. Wider was advised that the reason why Eckerds needed to egress onto Shenandoah Parkway was to allow for the "competitive edge". He indicated that the residents felt that Eckerds should not have the "competitive edge" at their expense.

Mr. Wilder stated that he felt the traffic study was misleading due to school not being in session. He referenced a traffic study conducted in January which showed 600 vehicles using Shenandoah Parkway in a 24 hour period. Mr. Wilder added that the right-out on SW 136

**TOWN COUNCIL MINUTES
JULY 21, 1999**

Avenue was beneficial and pledged the resident's support. He indicated that it was his belief that if the site plan was approved as proposed, and the County did not grant the right-out on SW 136th Avenue, the residents would have to live with further traffic congestion and possible safety hazards.

Jeff Golvin, President, Shenandoah Homeowners' Association, reiterated the traffic and safety concerns and potential increased traffic. The residents would like to keep Shenandoah Parkway as a residential street without commercial traffic.

Mr. Laystrom advised that the residents had raised two issues associated with the right-out movement as being traffic not associated with the residential homes. He felt the proposed U-turn movement would alleviate those concerns. Secondly, with regard to the commercial traffic, Mr. Tinter had testified the truck traffic was minimal and had sufficient capacity. However, the reality was that commercial vehicles were already servicing the Walgreens since they all serviced the same facilities, and would not pose an increase in traffic. It was Mr. Laystrom's belief that the residents concerns had been answered.

Mayor Venis noted that the residents were against the proposed U-turn movement. He felt the movement may be more dangerous than the existing conditions. Mr. Laystrom agreed that there was not a significant U-turn activity. Councilmember Paul commented she had attempted to make the U-turn and noted the difficulties she experienced. Discussion ensued with regard to the U-turn placement.

Councilmember Weiner expressed his concern that the increased traffic would be an undesirable effect on some of the neighboring properties.

Mayor Venis made a motion, seconded by Councilmember Weiner, to approve the site plan with a right-in only on Shenandoah Parkway, no right-out and a right-in only being comparable with the radius to the previously approved Walgreens site. Additionally, the Council agreed to a right-out on SW 136th Avenue and pledged to support the endeavor at the County level. Furthermore, the motion incorporated the Planning and Zoning recommendations in addition to the Site Plan Committee recommendations.. 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 recessed the meeting at 10:58 p.m. and reconvened at 11:00 p.m.

12.2 SP 3-8-99, Phil Smith Toyota/Point West Commerce Center

Matt Morrall, representing the petitioner, was present. Ms. Easterling read the planning report.

Mr. Morrall displayed renderings of the property and provided a brief overview of the site plan.

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)

12.4 SP 6-2-99, U Pull It Auto Parts/Larry Danielle

Rob Feiner, representing the petitioner, was present. Ms. Easterling read the planning report.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

Mr. Feiner displayed a color card clarifying the yellow color and an aerial photograph of the property. He explained that the applicant was disagreeing with item 1 under staff recommendations as it required the applicant to clean the canal in which he did not own. Mr. Feiner noted that there were plans to fill the canal by the property owner and should be completed within six months. Ms. Easterling commented if that this was the case, then the canal cleaning could be addressed through the modification to his site plan. She requested that Larry Danielle state for the record that if he was the owner of the property he would clean the canal. If not, then staff would approach the other applicant coming forward for minor site plan modification. Mr. Feiner agreed to the stipulation that if Mr. Danielle owned the canal, he would address the issue. If not, Mr. Danielle would not stipulate to cleaning the canal.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve subject to staff's recommendation and the Site Plan Committee recommendations, excluding staff recommendation item number 1. In a roll call vote, the vote was as follows: Councilmember Paul - yes; Councilmember Cox - yes; Vice-Mayor Bush - yes; Mayor Venis - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinance - Second and Final Reading

99-25 **10.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, DELETING FROM THE TOWN CODE SECTION 10-17 CONCERNING CREATION OF A WASTEWATER DISTRICT, SECTION 10-18 CONCERNING MANDATORY WASTEWATER CONNECTIONS AND SECTION 10-19 CONCERNING NEGOTIATION AND EXECUTION OF WASTEWATER AGREEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

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

Mayor Venis 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)

**TOWN COUNCIL MINUTES
JULY 21, 1999**

Resolution

R-99-250 10.2 **ACTION PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, **
ADOPTING THE FY 1999/00 ACTION PLAN FOR FEDERAL FUNDS WHICH
INCLUDES THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROGRAM BUDGET; AUTHORIZING THE ACTION PLAN TO BE
REFORMATTED ON THE HUD COMMUNITY 2020 PROGRAM OR OTHER
SOFTWARE PROGRAMS AS DETERMINED NECESSARY BY HUD;
AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL
NECESSARY CERTIFICATIONS AND GRANT RELATED DOCUMENTS;
AUTHORIZING THE TOWN ADMINISTRATOR TO MAKE MINOR, NON-
SUBSTANTIVE CHANGES TO THE ACTION PLAN WHICH MAY BE
IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO
NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR
INTENT OF THE PLAN; AND AUTHORIZING SUBMISSION OF THE PLAN
TO HUD.

Town Clerk Reinfeld read the resolution by title.

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

Councilmember 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 - yes. (Motion carried 5-0)

Quasi Judicial Items

10.3 **REZONING - ZB 4-2-99, Laystrom/95 Whse, Inc., 7085 Nova Drive (from M-1 and R-4A, Old Code to M-1) (tabled from July 16, 1999) Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial**

This item was withdrawn earlier in the meeting.

10.4 **VARIANCE - V 5-6-99, Gillman, 11081 SW 30 Street (R-1) (to reduce the required side yard from 25 feet to 22.60 feet) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval**

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Mark Kutney, Development Services Director, advised of his qualifications and noted that they were on file in the Town Clerk's Office. He 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 and Council could deliberate.

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)

**TOWN COUNCIL MINUTES
JULY 21, 1999**

Plan Amendment Transmittal

10.5 1999 TRANSPORTATION ELEMENT - A rewrite of the 1989 Traffic Circulation Element required to comply with the changes in data, analysis and policy requirements under Chapter 163, F.S. and corresponding Rule 9J-5, F.A.C. and pursuant to the 1995 Evaluation and Appraisal Report (EAR)

Mr. Kutney summarized the staff's report and indicated this amendment was one of the last remaining EAR based amendments that needs to be addressed. He stated that the Local Planning Agency (LPA) had recommended that the amendment be transmitted.

Councilmember Paul felt that some of the concerns brought forward by the LPA were important and noted that the representation on the Board was mostly from the Town's west areas. She expressed concern with regard to numerous suggestions west of Flamingo Road and felt it was important to review some of the roads to the east.

Councilmember Paul suggested that this item be tabled. Mayor Venis questioned whether there would be any problem postponing this item until the next Council meeting. Mr. Kutney replied that he would contact the Department of Community Affairs tomorrow to apprise them of Council's desires and felt it was an important issue and adequate time should be afforded for review.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table items 10.5 and 11.1 to August 4, 1999. 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)

Items to be tabled or withdrawn

10.6 STAFF REQUESTING A TABLING TO AUGUST 4, 1999

COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REVISING THE HOUSING ELEMENT BASED UPON THE 1995 EVALUATION AND APPRAISAL REPORT OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

10.7 ITEM WITHDRAWN AT THE JULY 7, 1999 MEETING; TO BE RESCHEDULED AT A LATER DATE

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 17-10 ENTITLED "USE OF STREETS", AMENDING PROVISIONS REGARDING PEDDLERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was withdrawn earlier in the meeting.

10.8 PLANNING AND ZONING BOARD TABLED TO JULY 14, 1999; COUNCIL CAN TABLE TO AUGUST 4, 1999

REZONING - ZB 5-3-99, Miller, Legg & Associates/Jewish Federation of Broward County, Inc., 5801 SW 82 Avenue (from A-1 to CF)

This item was tabled earlier in the meeting.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

**10.9 PLANNING AND ZONING BOARD TABLED TO JULY 14, 1999;
COUNCIL CAN TABLE TO AUGUST 18, 1999**

VARIANCE - V 5-4-99, Laystrom/75 & 595, Inc., 450 SW 130 Avenue (B-3)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

11. RESOLUTION

11.1 TRANSMITTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PROPOSED COMPREHENSIVE PLAN TRANSPORTATION ELEMENT ON ITS MERITS; AUTHORIZING TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

12. SITE PLANS

12.1 SP 3-9-99, Eckerds at Davie, northwest corner of Shenandoah Parkway and SW 136 Avenue (B-2) (tabled from July 7, 1999) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through eight, changing number seven to move the planter against the building and column line and widening the sidewalk

This item was approved subject to conditions earlier in the meeting.

12.2 SP 3-8-99, Phil Smith Toyota/Point West Commerce Center, 4050 Weston Road (BP) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through seven

This item was approved earlier in the meeting.

12.3 SP 5-9-99, NationsRent Phase III, 6580 State Road 84 (M-4) Planning and Zoning Division recommended subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through 11, with the addition that the site plan elevations conform with the floor plan being proposed and that adjustments be made to the first floor landscape plan [A1.1 sheet of the plans] as well as the architectural plans

This item was tabled earlier in the meeting.

12.4 SP 6-2-99, U Pull It Auto Parts/Larry Danielle, 4301 South State Road 7 (M-4, Hacienda Village) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items two through 11, and that the colors for the signage and the metal fascia were worked out with staff so as not to be a too bright or too intense yellow

This item was approved earlier in the meeting.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

13. APPOINTMENTS

- 13.1 Open Space Advisory Committee (two exclusive appointments - Councilmember Weiner and Vice-Mayor Bush; one exclusive appointment - Councilmember Cox; term August 1999 to July 2000)

Councilmember Cox deferred her appointment. Vice-Mayor Bush reappointed Christina Pellicane and Lisa Edmondson to the Committee. Councilmember Weiner reappointed Joy Yoder and deferred his second appointment to the next meeting.

- 13.2 Fire Pension Board (one non-exclusive appointment - one legal resident to represent the Town; term expires December 1999)

Councilmember Cox nominated Irving Heller and distributed a copy of his resume. Mayor Venis nominated Dean Alexander. Mayor Venis closed the nominations.

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

14. OLD BUSINESS

- 14.1 Single Member Districts (Councilmember Paul) (continued from July 7, 1999)

Councilmember Paul expressed her desire to readdress the issue of single member districts and to obtain a consensus in which the Council would like to proceed.

Town Clerk Reinfeld advised that if single member districts were to be approved, the readings of the ordinance for the March 2000 election must be completed in August. Mayor Venis questioned the cost for the November 1999 election. Town Clerk Reinfeld advised that the cost would be approximately \$22,000 based on previous figures. She stated that if this issue was voted on at a county-wide election, the cost would be approximately \$8,000.

Mayor Venis suggested a workshop meeting be held to discuss the statistics and issues relative to single-member districts.

Councilmember Paul commented that the districts may have to be redrawn due to annexations. Councilmember Weiner questioned the population the last time this issue was addressed. After discussion, it was estimated that the population had been more than 50,000 and currently, the population was estimated around 61,000.

- 14.2 Consideration for Endorsing Second One Cent Gas Tax for Mass Transit

Councilmember Cox questioned the benefit of the gas tax for the Town. She felt that the County could not provide any information as to how the Town would benefit since they did not have a plan. It was suggested to defer this item until the August 4, 1999 meeting.

15. NEW BUSINESS

- 15.1 Revised Code Compliance Mitigation Guidelines

Mr. Kutney explained that staff was requested to review the guidelines relative to mitigation. He stated that over the years, several amendments had been added to strengthen the enforcement and added that the same increments were used and the sliding fine scale was increased. Additionally, the Code was amended to reflect if the violation was more than 60 days, the fine would be increased by an additional 2% and another 2% was added for 120 days, along with staff's cost to process a case. Presently staff was updating staff's current expenses.

**TOWN COUNCIL MINUTES
JULY 21, 1999**

Mayor Venis stated that in previous cases, staff determined their cost on an individual basis. He further noted that with regard to repeat offenders, Council would not mitigate the fines. Councilmember Cox expressed her belief she would like to retain the flexibility.

Councilmember Paul questioned what the purpose was of the fine if individuals were aware that fines could be mitigated. Mayor Venis interjected his belief that if an individual had a fine mitigated one time, that was acceptable; however, if it was a continual problem, then mitigation was not appropriate.

Mr. Kutney noted that the Special Master had the right to charge additional fees for report offenders.

15.2 Land Development Amendment for Bed and Breakfast Land Use

Mr. Kutney stated that staff was requesting permission to work on an amendment to the Land Development Code regarding bed and breakfast land use. He advised that in staff's preliminary research, they had found that this use may be a viable use in the Town and additional criteria needed to be reviewed.

It was the consensus from Council that it had no problem with staff proceeding with an amendment.

Councilmember Cox felt that this use should be permitted with a special permit. Councilmember Paul stated she felt it was important to regulate the size and location of the facility. She suggested consideration be given to a special overlay district to permit this use such as on the Griffin Road corridor.

16. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:54 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk