

**TOWN COUNCIL
REGULAR MEETING
OCTOBER 20, 1999**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

Councilmember Paul made a motion, seconded by Councilmember Weiner, to excuse Vice-Mayor Bush. In a voice call vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

3. PRESENTATIONS

3.1 Community Redevelopment Agency

Neal Kalis, Chair, updated Council on the Agency's efforts and announced that Osborne's Hardware would soon be celebrating its 50th Anniversary.

3.2 Robert Legg, EASE Foundation's 1999 Humanitarian of the Year

Town Clerk Reinfeld read a proclamation in its entirety proclaiming October 20, 1999 as Robert P. Legg Day. Mayor Venis presented the proclamation, a Key to the Town, and a desk clock to Mr. Legg.

3.3 John Doherty, Assistant Town Engineer, Young Engineer of the Year in Government

Assistant Town Administrator Robert Rawls presented Mr. Doherty with a Certificate of Achievement. Mr. Doherty thanked Mr. Rawls and Capital Projects Manager Bruce Bernard for their support.

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

Mark Dornacker, Athletic Supervisor, announced that upcoming events included: Ivanhoe Family Thanksgiving luncheon (November 8th); Senior Country Western Barbecue (November 19th); Eastside Community Hall pilot preschool program (every Monday, Wednesday and Friday); and registration for in-house soccer (October 23rd).

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: 5 Star Rodeo (October 22nd - 23rd); Safety Summit Symposium (October 22nd); OCW Halloween Wrestling Mayhem (October 29th); Safe Halloween Day (October 30th); Gold Coast Dog Show (November 13th - 14th); Concert in the Park (November 28th); Jim Smith dedication (October 28th); and City of Dania Tomato Throwing Contest (November 13th).

3.5 Michael Brown, Police Service Aide - Five Years

Mr. Brown was unable to attend.

3.6 Edward O'Brien, Firefighter - Ten Years

Firefighter O'Brien was unable to attend.

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

3.7 Jay Seiler, Police Officer - Fifteen Years
Officer Seiler was unable to attend.

3.8 Janice Desmartin, Police Sergeant - Twenty Five Years
Mayor Venis presented Sergeant Desmartin with a service award.

Councilmember Weiner asked that items 7.1 through 7.5 be removed from the Consent Agenda for reformatting purposes. He also asked that item 7.17 be removed. Councilmember Paul ask that items 7.23 and 7.24 be removed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table items 7.1 through 7.5 to November 17, 1999. In a voice call vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

4. MAYOR/COUNCILMEMBERS COMMENTS

MAYOR VENIS

NATURAL DISASTER. Mayor Venis thanked everyone for their efforts during Hurricane Irene and reported that several communities were in the process of drying out. He noted problems with drainage and anticipated that all services would be restored shortly. Mayor Venis further noted the efforts staff had undertaken to address the drainage problems and added that a comprehensive report would be submitted shortly. He requested that Assistant Town Administrator Robert Rawls investigate the neighborhood on SW 22 Court in which the yards were flooded.

CONDOLENCES. Mayor Venis extended the Town's condolences to Fire Lieutenant Russ Cramer and family on the death of his daughter Lindsey.

FIRE. Mayor Venis announced that former Councilmember Monroe Kiar had a house fire and extended the Town's regrets.

MASTER PLAN 595 CORRIDOR. Mayor Venis advised that he had attended a meeting in which the master plan for the corridor was discussed and indicated that a schedule for the road widening would begin in approximately five years. He advised that in a survey of vehicles, over 45% of the cars from Flamingo Road west were coming from points further west than Davie and traffic would be unbearable if the Town had to wait five to seven years for road improvements. Mayor Venis requested that the road improvements be fast tracked and prioritized in a different manner. He noted that this item would be discussed at the Metropolitan Planning Organization meeting scheduled for November 18th. He cautioned the construction companies to be sensitive to noise pollution during the road widening process.

DAVIE ELEMENTARY SCHOOL. Mayor Venis explained that he and several Councilmembers had read Dr. Seuss books to the students.

PINE ISLAND RIDGE. Mayor Venis advised that he and Mr. Middaugh had met with representatives from Pine Island Ridge in which the annexation issue was discussed and noted that water was a significant issue. He asked Mr. Rawls to forward petitions to Pine Island Ridge.

BICYCLE HELMET. Mayor Venis indicated that he had received an e-mail regarding the bicycle helmet issue and noted that Councilmember Paul would address the issue at the Safety Summit Symposium.

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

VICE-MAYOR BUSH

Vice-Mayor Bush was absent.

COUNCILMEMBER COX

HURRICANE. Councilmember Cox advised that she had been out of town for the hurricane; however, she had attended a staff meeting regarding the hurricane and complimented staff on their efforts. She announced that residents could bring yard debris to the Bamford Complex and to the Oak Hill Equestrian Park. The Public Works Department would begin picking up debris at the beginning of November.

COUNCILMEMBER WEINER

HURRICANE. Councilmember Weiner thanked staff for their efforts during the hurricane. He noted that residents were requesting that the Town review what could be done to alleviate future drainage problems. Councilmember Weiner suggested that a meeting be scheduled once the report had been prepared.

PENSION BOARD. Councilmember Weiner announced that Mr. Middaugh had advised of a positive meeting in which there should be some progress regarding the Police Pension Board issues.

CONDOLENCES. Councilmember Weiner extended his condolences to the Cramer family.

AL TYLER. Councilmember Weiner announced the unveiling of Mr. Tyler's cemetery plot and requested a discussion to rename a street in Mr. Tyler's honor.

HEARING. Councilmember Weiner advised of a hearing conducted by Judge Andrews on a lawsuit that he had filed against Vice-Mayor Bush and indicated that there had been a motion to dismiss filed based on a procedural issue called "standing". He noted that Judge Andrews had advised that the motion had been granted without explanation; therefore, the lawsuit would not be moving forward and he would not be pursuing an appeal. Councilmember Weiner referenced Mr. Middaugh's comments in which the Town would approve Vice-Mayor Bush's legal fees. He requested that Mr. Webber review whether he and Vice-Mayor Bush were permitted to vote in favor of paying the legal fees.

SOCCER. Councilmember Weiner stated that he was glad that his daughters were of the age that he could register them for soccer.

ADDITIONAL HOMESTEAD EXEMPTION. Councilmember Weiner requested that the additional homestead exemption issue for senior citizens be placed on an agenda.

LAW FIRM. Councilmember Weiner announced that he had left his law firm and was now practicing in a law firm in downtown Ft. Lauderdale.

COUNCILMEMBER PAUL

HURRICANE. Councilmember Paul advised that she had also been out of town for the hurricane. She advised of her efforts to view the Town and offer assistance to residents. She thanked Warren Kous who assisted her when her truck had broken down.

GARBAGE COLLECTION. Councilmember Paul expressed concern with regard to ongoing collection problems. She requested that she be notified by anyone who had problems and/or good service with the debris collection.

FEMA FUNDS. Councilmember Paul noted that President Clinton had declared a major disaster for the State of Florida which would "open up" FEMA funds for individual and small business assistance.

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

SAFETY SUMMIT. Councilmember Paul advised that information would be provided on teen depression, peer pressure, gang awareness, and various other topics. She indicated that these topics had been chosen by students who felt they were a major concern and she noted that there would be other activities for children. Councilmember Paul thanked the Sun Sentinel for their efforts in promoting this event.

CONDOLENCES. Councilmember Paul extended her condolences to the Cramer and Finn families.

ANIMAL DISASTER ASSISTANCE. Fred Siegel, Large Animal Disaster Headquarters Coordinator for Broward County, thanked the Town for its cooperation after the hurricane. He noted the tremendous assistance offered by the Town for opening the rodeo arena to allow citizens to bring their horses.

Several years ago during the negotiations for garbage pickup, Councilmember Weiner indicated that Southern Sanitation was willing to take care of extra debris during situations such as Hurricane Irene even though there was nothing in writing. He questioned whether this verbiage had been added to the contract. Mr. Webber's indicated that he did not think the contract had been changed, however, he would review the contract. Councilmember Weiner questioned if there was an opportunity to add items to the franchise since the service was no longer being provided by Southern Sanitation. Mr. Webber noted that he would review the contract.

5. TOWN ADMINISTRATOR'S COMMENTS

HURRICANE. Mr. Middaugh concurred with Council's comments and thanked staff for their efforts. He advised that there was a declaration for individual assistance available for individuals who had expenses from the hurricane that were not covered by insurance. Mr. Middaugh indicated that at this point, President Clinton had not yet declared a federal disaster as it related to emergency response or cleanup efforts and noted that the Town might have to address the extra expense for manpower or debris removal.

Regarding debris removal, Mr. Middaugh requested that residents first utilize Waste Management's services and the Town would then follow up with additional services. He requested that Council consider using up to \$200,000 from the contingency fund for the debris cleanup response.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to allocate \$200,000 from the budgetary contingency for storm debris and cleanup. In a voice call vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

Mr. Middaugh noted that there was a possibility that these funds would be reimbursed by federal funds.

RESOLUTION. Mr. Middaugh requested that a resolution be added to the Consent Agenda to allow waiving formal bidding and accepting bids for debris disposal at a licensed site. He referenced a letter from Atlas-Davie, Inc. which had offered the lowest price in the area.

Mayor Venis recommended that the resolution be added as item 7.26.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to add. In a voice call vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

INVESTIGATION. Mr. Middaugh advised that he had engaged two police investigators to investigate a variety of allegations and concerns that had been made in the Fire Department. He stated that he had received an interim status report on some of the most severe allegations as related to personal safety. Mr. Middaugh indicated that 21 people had been interviewed to focus on some concerns regarding threats of physical safety or violence, as well as firearms that might have been associated with a fire station. He stated that the report found no threat to individuals nor anyone who was willing to acknowledge that they had felt threatened or endangered in the work environment. Likewise, the report did not find evidence of threatening behavior relative to firearms; however, there was some report of firearms being shown or talked about dating back several years. Mr. Middaugh indicated that the investigation would continue until all witnesses had been interviewed and noted that he anticipated a full report by the end of October.

Councilmember Weiner clarified that it had been several years since the incidence of guns and questioned that Mr. Middaugh was making sure that everyone understood that guns were not allowed in the fire stations. Mr. Middaugh responded affirmatively and added that the policy relative to firearms would be reiterated.

PENSION BOARDS. Mr. Middaugh advised that he had met with the Police union attorney as well as the Pension Board attorney for both Police and Fire unions to discuss outstanding issues on the pension and funds. He reported that the questions had, for the most, part been resolved regarding the Fire Pension Board issues and a stipulation had been ordered by the State to acknowledge or sign off in order to conclude the State's concern. With regard to the Police Pension Board, the attorney had indicated a willingness to comply with the necessary State mandated points or changes and subsequently, would withdraw the petition that was causing the delay. Mr. Middaugh noted that Council would have to approve withdrawing the petition to "take it out of circulation".

Councilmember Weiner questioned if Council had authorized Mr. Webber to sign off because of the timing and the deadline to file the appeal. Mr. Webber indicated that the authorization was to execute the pleading; however, if Council was to amend the ordinance as part of the settlement, Council action would be required. He anticipated that any resolution would involve an ordinance amendment. Since the Town had signed as a joint party on behalf of the Police Pension Board, Councilmember Weiner questioned that if the Board was going to comply with what the State needed and if the Board withdrew its appeal, would the Town have the right to maintain the appeal until such time as the Board complied so that the receipt of the money was not jeopardized. Mr. Webber responded affirmatively and noted that the Town was not a party on behalf of the Board and whatever actions taken would not be binding on the Town without the Town taking action. He indicated that the monies would not be lost without the Town's consent.

Mr. Middaugh indicated that at a same meeting, it was discussed how the interest earnings assumption would be addressed. He advised that a presentation would be made at the next Board meeting to move this ahead and try to get formal Board action.

INTERLOCAL AGREEMENT. Mr. Middaugh requested that a resolution be added to the Consent Agenda regarding the transfer of Comcast cable revenue collection from Broward County to the Town for areas that had been annexed. This would finalize the action and make the monetary transaction.

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

Councilmember Weiner made a motion, seconded by Councilmember Cox, to add [to the Consent Agenda] as item 7.27. In a voice call vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

COUNCIL MINUTES. Mr. Middaugh explained that Council minutes were to be a summary of Council discussion on any particular item as opposed to trying to attribute the comments to a particular individual. Councilmember Weiner questioned if the Clerk's copy of the minutes would be available for use as a transcript should the Town be placed in a lawsuit. Mr. Webber advised that a transcript of the tape would be used for litigation purposes and not the minutes of the meeting.

CONDOLENCES. Mr. Middaugh extended his condolences to the Cramer family.

6. TOWN ATTORNEY'S COMMENTS

LITIGATION. Mr. Webber provided an update and brief history of the litigation in which the Town was involved: Bar-B Ranch; Orendello; SW 142nd Avenue; Sunrise; 175/185 pension funds; Coastal Carting; Statewide Towing; LDG Corporation; Rowar's; and street vendors.

RESOLUTION. As he had a conflict, Mr. Webber requested that a resolution be added to the agenda enlisting the law firm of Michael Burke to handle the litigation of LDG Corporation. He advised that a motion to dismiss had been filed as the Town was not a stake holder in this matter.

Mayor Venis recommended that this resolution be added as item 7.28.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to add. In a voice call vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

7. Consent Agenda

Minutes

- 7.1 August 18, 1999 - Regular Meeting (tabled from October 6, 1999)
- 7.2 September 1, 1999 - Regular Meeting (tabled from October 6, 1999)
- 7.3 September 9, 1999 - Special Meeting (tabled from October 6, 1999)
- 7.4 September 15, 1999 - Special Executive Session (tabled from October 6, 1999)
- 7.5 September 15, 1999 - Regular Meeting

Occupational Licenses

- 7.6 A Fun-tastic Party, 13270 SW 30 Court
- 7.7 Bestech Services, Inc., 14300 SW 14 Street
- 7.8 B.J. Realty Group, Inc., 3453 Crystal Lane
- 7.9 Century Roof, Inc., 14480 SW 16 Street
- 7.10 Dimensions in Psychology, 2780 SW 155 Lane
- 7.11 GeoTech Environmental, Inc., 11866 Silver Oak Drive
- 7.12 Lyons Consulting, Inc., 14011 SW 36 Court

Seasonal Sales - Christmas Trees - Waiver of Occupational License Fees

- 7.13 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue (location: 2701 - 2751 North University Drive; November 27 - December 24, 1999)
- 7.14 St. David Mens Club, 3900 South University Drive (location: 4190 South University Drive; November 27 - December 24, 1999)

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

- 7.15 Davie Police Athletic League, 1230 South Nob Hill Road (location: 2300 South University Drive; November 27 - December 24, 1999)

Seasonal Sales - Fireworks - Waiver of Occupational License Fees

- 7.16 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue (location: 2701 North University Drive; December 18 - 31, 1999)

Resolutions

- R-99-320 7.17 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH NORWEST BANK, COLORADO, N.A., FOR A CUSTODIAL ACCOUNT AGREEMENT FOR THE TOWN'S MONEY PURCHASE PLAN ASSETS. (401(a) Custodial Account) (tabled from October 6, 1999)
- R-99-321 7.18 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY FOR ADMINISTRATION OF THE TOWN'S CDBG-FUNDED SINGLE-FAMILY HOUSING REHABILITATION PROGRAM; AND PROVIDING AN EFFECTIVE DATE. (\$15,000)
- R-99-322 7.19 **EXTENDED TRAVEL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING EXTENDED TRAVEL FOR OFFICER THOMAS DIMEGLIO OF THE DAVIE POLICE DEPARTMENT TO ATTEND ADVANCED TRAFFIC ACCIDENT INVESTIGATION TRAINING. (\$1,189.32 - Advanced Traffic Accident Investigation Training; November 1 - 12, 1999)
- R-99-323 7.20 **TRAINING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING EXTENDED TRAVEL FOR LARRY ELLIOTT AND LISA MARTIN OF THE DAVIE POLICE DEPARTMENT TO ATTEND THE 196TH POLICE ACADEMY. (\$4,390; September 20, 1999 - February 24, 2000)
- R-99-324 7.21 **GRANT AWARD** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO ACCEPT THE FOURTH YEAR GRANT AWARD UNDER THE FEDERAL ANTI-DRUG ABUSE ACT FOR PROJECT "ADAPT" (ADOLESCENT DRUG ABUSE PREVENTION AND TREATMENT PROGRAM). (total cost of project - \$71,525: \$50,765 grant and \$20,760 local match)
- R-99-325 7.22 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF \$5000.00 FROM THE LAW ENFORCEMENT TRUST FUND TOWARDS THE PURCHASE OF ROBOTIC LABORATORY EQUIPMENT USED BY THE MEDICAL EXAMINER'S OFFICE.

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

- 7.23
R-99-326 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-4-99, The Gardens at Stirling, Inc., SW 61 Avenue approximately 220 feet north of Stirling Road) *Planning and Zoning Division recommended approved subject to the planning report; Planning and Zoning Board recommended approved subject to the planning report***
- 7.24
R-99-327 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 8-1-99, Town of Davie Boys and Girls Club, one-quarter mile north of SW 14 Street, one-quarter mile west of SW 130 Avenue) *Planning and Zoning Division recommended approved subject to the planning report; Planning and Zoning Board recommended approved subject to the planning report***
- 7.25
R-99-328 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR GUARDRAIL AND ACCESSORIES, MIAMI-DADE COUNTY BID AWARDED ON JULY 25,1998. (Fence Masters, Inc.; \$100,000 annually)**
- 7.26
R-99-329 **WAIVING/ACCEPTING BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND ACCEPTING THE BID FOR VEGETATIVE DEBRIS DISPOSAL TO A LICENSED DISPOSAL SITE.**
- 7.27
R-99-330 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY, WITH THE CONSENT OF COMCAST COMMUNICATIONS, TO PROVIDE FOR AN ASSIGNMENT AGREEMENT OF CABLE TELEVISION REVENUE FROM ANNEXED LANDS.**
- 7.28
R-99-331 **LEGAL SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO RETAIN THE LEGAL SERVICES OF JOHNSON, ANSELMO, MURDOCH, BURKE & GEORGE, P.A. IN CONNECTION WITH THE ACTION FILED AGAINST THE TOWN OF DAVIE BY LDG CORP. AS BROWARD COUNTY CIRCUIT COURT CASE NO. 97-13832 CACE (11); AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 7.17, 7.23 and 7.24 [removed earlier in the meeting]. In a voice call vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

7.17 Councilmember Weiner questioned whether any information had been found whether the custodian had arrangements with other institutions. Budget and Finance Director Christopher Wallace responded that this custodian only dealt with Norwest. Subsequent to the previous discussion, other quotes were requested and the quotes were summarized in a memorandum submitted as part of the backup material. Mr. Wallace felt the quotes were mute since the custodial fees were part in parcel to the Great West contract. If any other custodian were to be used, a passive relationship would be required and there would be an additional \$2,000 fee for administrative costs.

Councilmember Weiner questioned whether the trustees usually had relationships with other service providers and expressed concern with regard to a service provider with their own unrelated entity. Mr. Wallace explained that the trustees would have several relationships.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve. In a voice call vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

7.23 and 7.24 Councilmember Paul expressed concern with current drainage problems with regard to item 7.24 and asked the location of the drainage easement. Development Services Director Mark Kutney explained that there was no drainage easement and explained that "they're" retaining all the water on site. Councilmember Paul questioned the shape "on the other one". Mr. Kutney indicated that, although a site plan had not been filed, the site met the zoning requirements for the required lot frontage and because of the side yard setbacks, the development would be very slender and elongated.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve [items 7.23 and 7.24]. In a voice call vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

8. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinance - First Reading (Second Public Hearing to be held November 3, 1999)

8.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE , SECTION 12-32 ENTITLED "TABLE OF PERMITTED USES, SUBSECTION (A) "RESIDENTIAL DISTRICTS," AND (B) "COMMERCIAL OFFICE AND BUSINESS DISTRICTS," TO PROVIDE FOR BED AND BREAKFAST ACCOMMODATIONS AS A PERMITTED, CONDITIONAL OR PROHIBITED USE; AMENDING SECTION 12-34 ENTITLED, "DETAILED USE REGULATIONS" BY CREATING NEW SUBSECTION (EE) ENTITLED, "BED AND BREAKFAST ACCOMMODATIONS," ESTABLISHING REGULATIONS GOVERNING THE APPROVAL, LOCATION, SIZE, OPERATION, ON-SITE FACILITIES, APPEARANCE, AND OTHER CHARACTERISTICS OF BED AND BREAKFAST ACCOMMODATIONS; AMENDING SECTION 503 ENTITLED, "DEFINITIONS" PROVIDING A DEFINITION OF "BED AND BREAKFAST ACCOMMODATION"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

Mayor Venis advised that the second public hearing would be held on November 3, 1999. Town Clerk Reinfeld read the ordinance by title.

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

Tom Truex, 4740 SW 72 Avenue, was present in support of the amendment and recommended that the Town model its ordinance on the Spains' plan. He noted that under Section 2, paragraph EE, number 5, reference was made to rooms for the operator and family, if applicable; however, under Section 3, the definition did not reference operator and family but referenced owner. He felt the Town would prefer an establishment where the owner would live on-site and would accommodate travelers. It was his belief that the owner should be specified with a certain percentage in interest and the establishment should be the owner's primary residence.

John and Margaret Spains, 1440 NW 110 Avenue, were present in support of the amendment. Mr. Spain noted their extensive research and membership associations and applauded the Town for supporting the trend towards bed and breakfast. He expressed his belief that the industry should be regulated and provided an overview of the patrons of bed and breakfasts.

Mayor Venis closed the public hearing.

Mayor Venis questioned whether this application had been presented to the Planning and Zoning Board. Mr. Kutney advised that Land Development Code amendments had not been brought before the Planning and Zoning Board for the past five years; however, at the Board's last meeting, there was discussion regarding the proposed ordinance. Additionally, the Board's Chair had requested that the Board review amendments. In the future, this would be added to the Planning and Zoning Board agenda so comments could be provided to staff. Councilmember Weiner concurred that Land Development Code amendments should be brought before the Board and expressed his desire for the proposed amendment to be heard by the Board at its next meeting.

Councilmember Cox questioned when the second public hearing was scheduled. Mr. Kutney responded November 3, 1999.

Discussion ensued with regard to tabling the proposed amendment until November 17, 1999. Councilmember Weiner suggested proceeding with the first reading tonight; however, postponing the second reading until November 17, 1999 in order to allow for the to discuss the amendment.

Councilmember Paul noted that in previous discussions, it had been suggested that controls be placed on the locations to collector roads in order to ensure proper traffic movement; however, this was not referenced in the ordinance. She questioned why bed and breakfast facilities were permitted in commercial zoning districts. With regard to the street signage, she felt a 4 x 6 sign was too large. Mr. Kutney felt it was more appropriate to control the location by district and to utilize the location separation of one mile. He noted the difficulty for individuals to identify roads as being collector roads and explained that it would be difficult for someone on a typical residential lot to provide appropriate safeguards such as private baths and an ample number of rooms. The intent of the ordinance was for no bed and breakfast facility to be larger than ten rooms. Mr. Kutney clarified that the sign was actually 2 x 2 and 6 feet in height and the proposed signage was not for the purpose of advertising, but for identification purposes. Staff was concerned with regard to ample identification.

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

Councilmember Cox also expressed concern with regard to the height of the signage. She suggested that a monument sign might be considered for an area such as the Griffin Road corridor; however, in a residential area, a smaller sign would be more appropriate. Councilmember Cox questioned if the wording could be changed to resident/owner and added that she felt it was important to have the person running the business to also be a resident.

Councilmember Paul questioned whether it was possible to regulate the sign height by district. Councilmember Weiner expressed his desire to have a standard size sign with the applicant having the ability to request a variance. He questioned how the ordinance would effect a facility such as Mt. Kenya. Mr. Kutney explained that if all of the regulations were met, they would have the ability to come in for site plan approval. He indicated that it was staff's belief that the owner and possibly family members were the operators.

Mayor Venis questioned whether "legal resident" could be added. Councilmember Cox felt that the issue was not whether the owner was operating a business; it was that the person operating the business had a vested interest in the business and in the Town. She was of the belief that the person should have some type of ownership interest. Councilmember Weiner concurred, however, he expressed concern with regard to limiting the ownership. Mr. Kutney noted that staff's research showed that many organizations recommended that the owner live on the property. Councilmember Cox stated that the resident/owner/operator issue was important to her. Councilmember Paul agreed and indicated the signage issue and road access was also important. Mr. Kutney responded that staff could attempt to address the road issue based upon the split of residential/commercial or as it related to the size of the facility.

Councilmember Weiner questioned if the changes discussed were considered a substantial deviation which would require readvertisement. Mr. Webber replied that depending on the amount and significance of the changes, the ordinance would probably have to be readvertised.

Councilmember Weiner made a motion to see the changes incorporated but bring the ordinance back for first reading on November 17, 1999. After discussion, it was determined that Mr. Webber would review the draft ordinance with the proposed changes and then make a determination as to readvertisement.

Councilmember Weiner amended his motion to table the first reading until November 3, 1999 and if counsel advised that there had not been a substantial change, then to table the ordinance until November 17, 1999 with readvertisement prior to that. Councilmember Paul seconded the motion. Councilmember Weiner indicated that the second reading would be on November 17, 1999 and part of his motion was to let the Planning and Zoning [Board] review the ordinance at their first meeting in November. Councilmember Paul agreed. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

Ordinances - Second and Final Reading

8.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE BY ADDING THERETO SECTION 2-43 ENTITLED "DUTIES OF COUNCILMEMBERS"; REITERATING AND CLARIFYING DUTIES PROVIDED FOR BY LAWS OF THE STATE OF FLORIDA AND THE CHARTER OF THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from October 6, 1999)

Town Clerk Reinfeld read the ordinance by title.

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

Dean Alexander, 13820 SW 16 Street, asked that the amendment be read which Town Clerk Reinfeld read.

Mayor Venis closed the public hearing.

Councilmember Cox made a motion to approve.

Councilmember Weiner questioned why the Town was intentionally placing members in a potential conflict if there should be another problem where Council could not control pension boards complying with State law. Mr. Webber responded that the ordinance was acknowledging the authority of Council to act in the way it acted and consistent with other municipalities in Broward County or the State of Florida. When a conflict arose, it was Mr. Webber's thought that the conflict should be cured in some way and the purpose of the ordinance was to clarify an existing power of Council. Councilmember Cox concurred with Mr. Webber. She felt that part of the problem with the pension boards could be attributed to Council not having enough influence or not providing enough direction. Councilmember Weiner acknowledged Councilmember Cox's comments; however, the problem had existed for some time with Councilmembers on the boards.

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

Mayor Venis indicated that this ordinance was automatically tabled because of the 2-2 vote. Councilmember Weiner questioned raised whether Vice-Mayor Bush would be able to vote on this item at the next meeting with Mr. Webber responding affirmatively.

8.3 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE BY AMENDING SECTION 12-374 ENTITLED "MODIFICATION OF SITE PLAN"; PROVIDING FOR A PROHIBITION TO MODIFICATIONS AND CHANGES TO ANY DEVELOPMENT ORDER THAT RESULTS IN THE IMPOSITION OF CONDITIONS, STIPULATIONS, DEED AND USE RESTRICTIONS OR REPRESENTATIONS WHEN A SITE PLAN IS FILED IN CONJUNCTION WITH SAID DEVELOPMENT ORDER; 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.

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

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 - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Resolution

8.4 R-99-332 SPONSORSHIP FEE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A FEE FOR THE YOUTH SPORTS SPONSORSHIP PROGRAM FOR THE COMMUNITY SERVICES DEPARTMENT. (\$250 sponsorship fee) (tabled from October 6, 1999)

Town Clerk Reinfeld read the resolution by title.

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

Tom Truex, 4740 SW 72 Avenue, questioned if the team travel problem had been addressed and if not, recommended that part of this money be allocated to team travel fund.

Mayor Venis closed the public hearing.

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 - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Quasi Judicial Hearing

8.5 REZONING - ZB 9-1-99, Sheridan Hills Baptist Church, 2420 South Pine Island Road (from A-1 to CF) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approved subject to the voluntary deed restrictions

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 in the Town Clerk's Office and entered the planning report into the record which Mr. Webber accepted. Mr. Kutney summarized the planning report.

Pastor Mark Coleman, representing the petitioner, provided 35 signatures from individuals who were present who were in favor of the rezoning. He asked that Council consider the Church's attitude to its neighbors and that the neighbors had voiced their approval of the project which was submitted as an exhibit. Pastor Coleman noted that the corner house had not signed the petition due to his inability to speak with the spouse and some traffic concerns. He felt the Church would have a positive effect on the property.

Mr. Webber accepted both exhibits into the record, however, cautioned Council that the documents were not subject to cross-examination.

Councilmember Cox questioned whether any representations were made to the neighbors as to what type of buffer, wall, or landscaping accommodations would be made. She indicated that when the site plan was submitted, she would like to see the Church work with the neighbors to provide an appropriate buffer. Pastor Coleman responded that an eight-foot wall would be required and he believed that a variance would be required in order to change that requirement to something more aesthetically pleasing such as a berm with an eight-foot buffer. He noted that there was strong opposition to a masonry wall and he pledged to make the surrounding neighbors pleased with the buffer. Mr. Kutney stated his belief that a masonry wall was not required.

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

Councilmember Weiner clarified that the representations made regarding the landscaping were not relevant to the rezoning. Mr. Webber concurred and noted that there would be an opportunity to offer deed restrictions which the Town could accept; however, that would not be a condition of the rezoning.

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

Tony Baldelli, 2441 SW 86 Avenue, spoke in favor of the rezoning.

Shirley Chovanec, 8760 SW 23 Place, noted that she had received a letter from the Church after sending a letter of opposition and indicated that she felt the traffic and noise along Nova Drive was unacceptable. She was not in opposition to the Church; however, she was opposed to the land on the corner that the Church wanted to rezone.

Alan Huggan, 2655 SW 86 Avenue, was sworn in and spoke in favor of the rezoning.

Craig Maldonado, 9217 Arbor Wood Circle, felt that an apartment building or business would generate more traffic than the proposed use. Furthermore, it was his belief that crime in the area was one of the lowest in the State due to the good work of the Police Department and the large amount of family oriented churches in the area.

Tony Meoli, 3505 Southwood Court, spoke in favor of the rezoning.

Pastor Coleman apologized for not speaking Ms. Chovanec and felt that Council should consider the potential impact of other commercial uses.

Mr. Webber stated that the hearing was concluded.

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

Items to be tabled or withdrawn

**8.6 PLANNING AND ZONING TABLED TO OCTOBER 27, 1999:
COUNCIL CAN TABLE TO NOVEMBER 3, 1999**

VARIANCE - V 10-3-98, Aguirre, 5450 Griffin Road (B-2)

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table to November 3, 1999. In a voice vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

8.7 WITHDRAWN BY PETITIONER

LAND USE PLAN AMENDMENT - LABC 00-1A, H.J. Zimmerman & Associates, Inc./Seventy-Five East, Inc., Gill, Shot Gun East, Inc., South Post, Inc., Orange-Griffin North, Inc., and DOM, Inc., generally located north of Orange Drive, south of SW 36 Street and an easterly extension thereof, east of SW 148 Avenue, and west of I-75 (tabled from October 6, 1999)

This item was withdrawn.

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

8.8 WITHDRAWN BY PETITIONER

TRAFFICWAYS PLAN AMENDMENT - TA 99-1/7-1-99, H.J. Zimmerman & Associates, Orange Drive from Flamingo Road west to SW 148 Avenue (Segment 1) and Orange Drive/Shotgun Road SW 148 Avenue to SW 36 Street (Segment 2) (delete Segment 1 and realign Segment 2) (tabled from October 6, 1999)

This item was withdrawn.

9. OLD BUSINESS

9.1 *Resolution*

R-99-333 **DISTRICT BOUNDARIES REVIEW COMMITTEE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING A DISTRICT BOUNDARIES REVIEW COMMITTEE, WHICH IS CREATED FOR THE PURPOSE OF REVIEWING THE DISTRICT BOUNDARIES OF THE TOWN OF DAVIE AND MAKING RECOMMENDATIONS TO THE TOWN COUNCIL; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Middaugh advised that Councilmember Weiner had requested that redistricting come before Council with a concern that the Town had reached the requirement for redistricting. He explained that Florida Atlantic University (FAU) had historically compiled data and suggested reasonable boundaries. However, if Council wanted this to be available for the March election, there might be a short time frame. Mr. Middaugh questioned what Council wanted to do with single member districts and noted that Council may wish to address annexation issues.

Mayor Venis commented that representatives from Pine Island Ridge were looking for their own district or seat on Council which he thought might entail a review of having seven Council seats. He believed the annexation would be addressed next year, however, the date to vote on this issue had not been set. Mr. Middaugh advised that Pine Island Ridge had requested a formal presentation to the Ridge's residents by December.

Mr. Middaugh indicated that staff would need to meet with Council on how it wanted to proceed, how to position the Town, what services should be offered, etc. Councilmember Cox questioned if this matter would be discussed at the goal setting session with Mr. Middaugh replying that this would be a good opportunity to begin the discussion, however, there may not be sufficient time to fully discuss the matter. Councilmember Cox stated that Council could approve the redistricting, however, single member districts would require a Charter change.

If a Charter change was incorporated with the district change, Councilmember Paul questioned if there was enough time to place the matter on the March ballot. Town Clerk Reinfeld advised that the ballot question would have to be to the Supervisor of Election's Office by January 17, 2000.

Mayor Venis stated that if Council proceeded with redistricting, it was possible that the Town would again ask FAU within three months to review the boundaries because input would be needed from the communities. He added that Council might need to schedule workshop meetings and an entirely new study would need to be restructured. Councilmember Weiner stated that this could be three months or a year from now as Council did not know when Pine Island Ridge would be voting because they had until the year 2010. He stated that the Charter required a redistricting review.

**TOWN COUNCIL MINUTES
OCTOBER 20, 1999**

Mr. Middaugh noted that he was not aware of any restriction on the timeframe to review the boundaries. Mr. Webber stated that there was no specific time provision, however, he thought the intent should be to conduct the review in a timely manner.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve item 9.1 to seat a Charter districting committee and "get this" adopted if there were any changes proposed by December 1999 in order to get the changes be placed on the March 2000 ballot. In a voice vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

Appointments

9.2 District Boundaries Review Committee (each Councilmember shall appoint two electors of the community from his/her district)

It was the consensus of Council to wait until the next meeting to make the appointments.

Councilmember Weiner requested that Mr. Webber review whether an individual could be appointed to more than one standing committee and if this Committee was excluded from the resolution.

10. NEW BUSINESS

10.1 COMMITTEE COMPOSITION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE COMPOSITION OF THE JOINT ECONOMIC DEVELOPMENT STEERING COMMITTEE TO INCLUDE ONE REPRESENTATIVE FROM THE DAVIE MERCHANTS AND INDUSTRIAL ASSOCIATION AND ONE REPRESENTATIVE FROM THE AGRARIAN COMMITTEE.

Town Clerk Reinfeld read the resolution by title.

Councilmember Cox questioned whether the quorum requirement would be affected by the change in the membership. Mr. Webber responded affirmatively.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve item 10.1. In a voice vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

11. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:22 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk