

**TOWN COUNCIL
REGULAR MEETING
NOVEMBER 17, 1999
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

3. PRESENTATIONS

3.1 Daniel Iden, Youth Humanitarian Award

Mayor Venis presented a Certificate of Recognition honoring Daniel Iden with the Youth Humanitarian Award.

3.2 Community Redevelopment Agency

This item was rescheduled to December 15, 1999.

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

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: winter camp programs (December 20th - December 30th); reopening of Pine Island pool (November 27th); and the Santa Calling Program.

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Annual Holiday Country Craft Show (November 20th - 21st); Orange Blossom State Championship Rodeo (November 26th - 27th); the Charlie Daniels Concert (December 3rd); Concert in the Park (November 28th); the Holiday Tree and Menorah contest and the Lighting of the Green (December 12th).

Cyrus Cramer, 700 Glenwood Lane - Plantation, advised of a fatal accident in which he lost his daughter. He thanked the Fire Rescue Department, Police Department, Town Council, Mr. Middaugh, Gail Reinfeld, and staff for their caring and professionalism with this tragic event.

Mayor Venis announced that items 9.3, 9.5, and 9.6 needed to be tabled to December 15, 1999.

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

Mayor Venis announced that item 9.7 needed to be tabled to January 19, 2000.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 9.8 needed to be tabled to December 1, 1999.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

4. MAYOR/COUNCILMEMBERS COMMENTS

MAYOR VENIS

THANKSGIVING. Mayor Venis wished everyone a happy Thanksgiving.

CONGRATULATIONS. Mayor Venis congratulated his daughter, Kathleen on her selection to the soccer team at Archbishop High School, Cindy Osborne for celebrating 50 years of being in business in the Town and Wayne Arnold on his appointment as Chair of the Central Broward Drainage District.

CHILD SAFETY BOARD APPOINTMENT. Mayor Venis announced the resignation of Jerilyn O'Neil from the Child Safety Board and appointed Joy Yoder to fill the position.

SENIORS LUNCHEON. Mayor Venis thanked the seniors for inviting him to their annual Thanksgiving Day Luncheon.

IVANHOE/WATERFORD HOMEOWNERS' ASSOCIATION MEETING. Mayor Venis noted that he and Mr. Middaugh had attended the Association meeting on November 16th. He indicated that the Association requested the Town to survey the streets for the possible installation of speed humps, questioned the widening of Volunteer Road, and the possibility of participating in the Tree Program. Assistant Town Administrator Robert Rawls indicated that he was not aware of any plans to widen Volunteer Road and the cost for residents to participate in the tree program was \$75 per person.

Mayor Venis advised that the Association had also requested the beeper number of the COP officer.

TRAFFIC SIGNAL. Mayor Venis explained that the traffic signal on Shotgun Road should be functioning shortly. The poles had been installed and he felt the signal lights were delayed because of the hurricane.

BELLSOUTH INSTALLATION. Mayor Venis announced that there had been several meetings with BellSouth officials making them aware of the complaints from the different communities within the Town. He reported that guidelines had been given to BellSouth and the issues should be resolved.

VICE-MAYOR BUSH

THANKSGIVING. Vice-Mayor Bush wished everyone a happy and safe Thanksgiving.

COUNCILMEMBER COX

CONGRATULATIONS. Councilmember Cox congratulated Cindy Osborne for celebrating 50 years of business in the Town.

TOMATO CUP CHAMPIONSHIPS. Councilmember Cox advised of the Town winning the Tomato Cup Championships against the City of Dania Beach. She congratulated Code Compliance Supervisor Danny Stallone who attempted to "chug" tomato juice and she further congratulated the City of Dania Beach for its attempts to reestablish the festival as a part of their past.

USS. LEYTE GULF. Councilmember Cox advised that she was at Silver Ridge Middle School to help welcome the members of the USS Leyte Gulf. She noted that the crew participated in a partnership program with the school in conjunction with the Ft. Lauderdale Navy League.

EASEMENT ON ORANGE DRIVE. Councilmember Cox thanked Cindy Lawson for granting an easement on Orange Drive so that the bike path could be connected from Robbins Lodge to Orange Drive.

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

SOUTH FLORIDA TRAILRIDERS. Councilmember Cox advised that the South Florida Trailriders would have their Jingle Bell Ride from Tree Tops Park to the Davie Rodeo Arena on December 12th.

LANDFILL PARK UPDATE. Councilmember Cox announced that the Town was in the preliminary stages of discussions with Broward County regarding the opening of the landfill park. She noted that there would be public forums for residents to provide input relative to the park.

THANKSGIVING. Councilmember Cox wished everyone a happy Thanksgiving and noted that donations were being accepted by the EASE Foundation.

COUNCILMEMBER WEINER

THANKSGIVING. Councilmember Weiner wished everyone a happy Thanksgiving.

DAVIE SPORTS. Councilmember Weiner announced that his daughter was participating in the soccer program and he thanked Coaches Rick and Omar for their efforts to teach the children.

THANKS. Councilmember Weiner thanked Matthew Drake, a SWAT Team Member, and Ron Burgs for their efforts to assist a child who had been injured at the soccer field.

FIRE DEPARTMENT. Councilmember Weiner noted that he and Mr. Middaugh had been discussing the investigation of the Fire Department and advised of a problem regarding his involvement in providing testimony. He explained that he would like to provide information to the investigators since he represented the Firefighters Union prior to running for office. Councilmember Weiner indicated that he was not able to disclose any information with regard to him serving in that capacity due to attorney/client privileges; however, he noted that the Firefighters Union had given a partial waiver of that privilege.

DAVIE MERCHANT'S INDUSTRIAL ASSOCIATION MEETING. Councilmember Weiner advised that he had attended the meeting and commended Redevelopment Administrator Glenn Irwin for his presentation. He congratulated Cindy Osborne, Wayne Arnold, and Mr. Miele for being elected as Directors for the upcoming year.

AMATEUR ARCHEOLOGY SESSION. Councilmember Weiner suggested the possibility of Council considering an amateur archeology session with Bob Carr, a well renown architect associated with the Miami Circle, for the children in the Town. He explained that this program would teach children about Florida's history.

APPOINTMENT. Councilmember Weiner indicated that he was appalled that Councilmembers were laughing at his appointment to the District Boundaries Review Committee. He felt Councilmember Cox and Vice-Mayor Bush owed the residents, Council, the Committee and Ellen Christopher an apology. Councilmember Weiner suggested that if Councilmembers could not conduct themselves in a dignified manner, then those individuals needed to step down.

COUNCILMEMBER PAUL

CONGRATULATIONS. Councilmember Paul congratulated Cindy Osborne for celebrating 50 years of business in the Town.

DAVIE/COOPER CITY CHAMBER BREAKFAST. Councilmember Paul noted that she had attended the breakfast this morning which highlighted the school and business partnerships. She added that the guest speaker was Dr. Till from the Broward County School Board.

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

RECYCLING COLLECTION. Councilmember Paul advised that recycling had not been picked in Oak Hill on two occasions this month. She felt it did not enhance the neighborhood to see the recycling material being left for the weekend.

TAKE-A-KID FISHING. Councilmember Paul requested an update. Mr. Middaugh indicated that he would address this request in his comments.

HORSE SHOW BENEFIT. Councilmember Paul announced that a horse show would be held on March 26, 2000 which would benefit the EASE Foundation and Project Stable.

THANKSGIVING. Councilmember Paul wished everyone a happy Thanksgiving.

5. TOWN ADMINISTRATOR'S COMMENTS

GOALS SETTING SESSION. Mr. Middaugh advised of the goals setting session held on November 11th. He indicated that as a follow up to that meeting, a Town Assembly would be organized between all of the homeowners' associations and residents who did not live within an association's boundary. This forum would allow for important issues to be discussed and would provide Council with important feedback.

POLICE PENSION BOARD. Mr. Middaugh indicated that he had attended the last Board meeting make it clear that the Town was concerned and that the outstanding issues should be resolved. He noted that the issues relating to the revenues to be expended were tabled.

DISTRICT BOUNDARIES REVIEW COMMITTEE. Mr. Middaugh stated that the Committee had convened and was reviewing information regarding the Town's population provided by Florida Atlantic University (FAU). He indicated that the Committee had requested additional information from FAU and advised that no action was taken at the meeting; however, another meeting would be scheduled.

WASTE MANAGEMENT. Mr. Middaugh acknowledged several concerns with regard to the performance of Waste Management within the community. He indicated that he had sent a letter suggesting better accountability and performance monitoring procedures.

6. TOWN ATTORNEY'S COMMENTS

LITIGATION: Mr. Webber provided an update on litigation in which the Town was involved: Bar-B Ranch; Orendello; SW 142nd Avenue; Coastal Carting; Sunrise; street vendors; 175/185 Funds; LDG; Rowar's; and Cummings.

7. CONSENT AGENDA

Minutes

- 7.1 August 18, 1999 - Regular Meeting (tabled from October 20, 1999)
- 7.2 September 1, 1999 - Regular Meeting (tabled from October 20, 1999)
- 7.3 September 9, 1999 - Special Meeting (tabled from October 20, 1999)
- 7.4 September 15, 1999 - Special Executive Session (tabled from October 20, 1999)
- 7.5 September 15, 1999 - Regular Meeting (tabled from October 20, 1999)

Proclamation

- 7.6 Farm-City Week (November 19 - 25, 1999)

Occupational License - Waiver of Occupational License Fee - Carnival

- 7.7 Flamingo Gardens, 3750 Flamingo Road (November 19 - 28, 1999)

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

Seasonal Sales - Christmas Trees - Waiver of Occupational License Fees

- 7.8 Boy Scout Troop 118, 2920 SW 46 Court (location: 6099 Stirling Road; November 27, 1999 - December 24, 1999)
- 7.9 Nova High School Band Parents Association, 10181 SW 40 Street (location: 5109 South University Drive; November 27, 1999 - December 24, 1999)
- 7.10 Rainbow Foundation, 10260 Port of Spain Street (location: 15601 Sheridan Street; November 27, 1999 - December 24, 1999)
- 7.11 Saint David Church Mens Club, 3900 South University Drive (location: 4850 South State Road 7; November 27, 1999 - December 24, 1999)

Resolutions

- R-99-343 7.12 **PLAT AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "REGENCY PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 10-2-99, 4601 SW 148 Avenue)**
- R-99-344 7.13 **DESIGN/BUILD SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF THE HASKELL COMPANY TO PROVIDE DESIGN/BUILD SERVICES FOR IMPROVEMENTS TO WATERFORD PARK AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE A CONTRACT FOR SUCH SERVICES. (\$111,000; located in the Ivanhoe community)**
- R-99-345 7.14 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, FLORIDA FOR TWELFTH YEAR RECYCLING GRANT FUNDS. (grant amount - \$12,884; 100% reimbursement)**
- R-99-346 7.15 **FUNDING APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING FOR THE 2000/2001 CULTURAL CONNECTIONS-YOUNG AT ART PROGRAM ADMINISTERED BY THE BROWARD CULTURAL AFFAIRS COUNCIL, COMMUNITY ARTS & EDUCATION PROGRAM IN THE AMOUNT OF \$40,000.00. (50% cash match)**
- R-99-347 7.16 **FUNDING APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING UNDER THE EMERGENCY MANAGEMENT, PREPAREDNESS, AND ASSISTANCE GRANT PROGRAM, BY THE DEPARTMENT OF COMMUNITY AFFAIRS AND TO ACCEPT AND EXPEND THE GRANT IF AWARDED. (grant amount - \$42,000; \$85,822 in in-kind services)**

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

- 7.17
R-99-348 **PROGRAM GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO PARTICIPATE IN THE BULLETPROOF VEST PARTNERSHIP PROGRAM GRANT, OFFERED BY THE DEPARTMENT OF JUSTICE. (grant amount - \$6,783; 50% reimbursement)**
- 7.18
R-99-349 **TRAVEL POLICY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING REVISIONS TO THE TOWN'S TRAVEL POLICY.**
- 7.19
R-99-350 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO RENEW THE AGREEMENT WITH PRUDENTIAL HEALTHCARE AS THE PROVIDER FOR DENTAL INSURANCE.**
- 7.20
R-99-351 **EVERGLADES RESTORATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RECOGNIZING THAT EVERGLADES RESTORATION IS A PRIORITY; URGING GOVERNOR BUSH AND THE FLORIDA LEGISLATURE TO REMAIN DEDICATED TO THE RESTORATION; AND REQUESTING THAT THE EVERGLADES RESTORATION ACT/RE STUDY FUNDING BE A PRIORITY FOR THE 2000 LEGISLATIVE SESSION.**
- 7.21
R-99-352 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A MOUNTED PATROL UNIT HORSE TRAILER, PIGGYBACKING THE CITY OF PEMBROKE PINES BID NO. 99-01, TO BE PURCHASED FROM THE LAW ENFORCEMENT TRUST FUND. (Western Gentleman; \$14,326.12)**
- 7.22
R-99-353 **SUBORDINATION OF LIEN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE.**
- 7.23
R-99-354 **EMS COALITION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING PARTICIPATION IN THE GROUP CITY EMS COALITION CONSISTING OF VARIOUS MUNICIPALITIES OF BROWARD COUNTY; AUTHORIZING THE EXPENDITURE OF MONEY TO FUND THE PROGRAMS OF THE COALITION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Weiner asked that item 7.13 be removed from the Consent Agenda. Councilmember Paul asked that items 7.2, 7.6 and 7.12 be removed.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 7.2, 7.6, 7.12, 7.13. In a voice vote, all voted in favor. (Motion carried 5-0)

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

7.2 Councilmember Paul submitted corrections to the minutes of September 1, 1999 meeting.

Councilmember Weiner made a motion, seconded by Councilmember Paul, that the approval of the Consent Agenda be reconsidered. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Weiner requested that items 7.1 and 7.5 be removed from the Consent Agenda.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve tonight's consent agenda minus items 7.1, 7.2, 7.5, 7.6, 7.12 and 7.13. In a voice vote, all voted in favor. (Motion carried 5-0)

7.1, 7.2 and 7.5 Councilmember Weiner advised that at the goal setting session, a different format for the minutes had been discussed to make the minutes more accurate. He submitted several changes to the minutes and felt that the minutes were inaccurate when they failed to include the context of the comments or comments from residents. Councilmember Weiner expressed his desire to have verbatim minutes.

Mayor Venis questioned whether the minutes were prepared prior to the goal setting session. Mr. Middaugh responded that he was not sure whether the minutes had been reformatted and indicated that the outside agency could be directed to be more inclusive. Mayor Venis suggested the minutes be tabled and for staff to try a more inclusive format.

Councilmember Cox felt that Councilmember Weiner's comments regarding the minutes should be reviewed to achieve the level to accommodate his desires. She suggested using his comments to see if a better set of minutes could be prepared.

Councilmember Weiner made a motion to deny the approval of items 7.1, 7.2, and 7.5 to provide for verbatim minutes. The motion died due to a lack of a second.

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to table items 7.1, 7.2 and 7.5. In a voice vote, with Councilmember Weiner dissenting, all voted in favor. (Motion carried 4-1)

Councilmember Weiner questioned whether there was technology that could provide a computer transcript of each Councilmember's comments. Mr. Middaugh indicated that he believed there was technology available; however, he expressed concern with the accuracy of the technology and whether it would accomplish the intent. He noted that the technology was trained to an individual's voice.

7.6 Councilmember Paul advised that this proclamation was a goal of the Agrarian Committee to bring together the farmers with the new residents who might not be able to appreciate farm life with farmers.

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

7.12 Councilmember Paul noted that she did not recall Council discussing a 120-room hotel.

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

Bill Laystrom and Charlie Putman, representing the petitioner, were present. Mr. Laystrom explained that when the presentation was made for the office park, it was noted that a master plan would follow showing the intention for the remainder of the property. He noted that this did not vest any rights to build the hotel and indicated that it actually decreased the commercial square footage. Mr. Laystrom advised that a master plan for the hotel, as well as the remainder of the property, would be forthcoming and indicated that tonight's approval was the first step to move forward in the process. He referenced his intent to meet with the residents and pledged to do so.

Councilmember Paul questioned how much acreage would be left once the office park was built. Mr. Putman estimated that there would be approximately five to six acres in addition to the office park.

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

Mayor Venis indicated that there was a sign on the Eckerd's trailer which indicated KFC/Taco Bell and requested that this sign be removed. Mr. Laystrom indicated that this sign would be removed.

7.13 Councilmember Weiner questioned why it was decided to proceed with a design/build rather than providing exact specifications. He expressed concern that there was only one bid received.

Mr. Rawls advised of several options being reviewed for park development and noted the previous success of projects that had been solicited by a design/build; however, this particular project had not received a good response. He advised that the process eliminated several conflicts which might occur due to the architectural design staff and the contractor working together. Mr. Rawls advised that the Haskell Company had a proven track record with the Town. He explained that the resolution authorized negotiations with the company and if the elements of the project could be delivered, a contract would be brought back for approval. If this was not possible, the scope of the project would be reviewed and the project would be sent out for bid.

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

8. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held December 1, 1999)

8.1 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO BP, BUSINESS PARK 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 8-1-99, Leigh Robinson Kerr & Associates/Ryan, 3450 SW 36 Street)**

Assistant Town Clerk McDaniel read the ordinance by title. Mayor Venis advised that a public hearing would be held on December 1, 1999.

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

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

Councilmember Paul expressed concern with regard to Exhibit B and requested that the staff analysis from the last meeting be part of the record.

Councilmember Weiner noted his previous inquiry as to whether the impact on the Town's tax base could be included as part of the staff report. Mark Kutney, Development Services Director, indicated that he was working towards providing that information and noted that he had met with Mr. Webber to discuss the format.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve with Councilmember Paul's additions. 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)

8.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE MUNICIPAL CODE OF ORDINANCES CHAPTER 23 TAXATION, BY CREATING ARTICLE V, EXEMPTIONS TO PROVIDE FOR AN ADDITIONAL HOMESTEAD EXEMPTION FROM AD VALOREM TAXES LEVIED BY THE TOWN OF DAVIE FOR PERSONS 65 AND OLDER PURSUANT TO THE PROVISIONS OF SECTION 196.075 FLORIDA STATUTES; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant Town Clerk McDaniel read the ordinance by title. Mayor Venis asked if anyone wished to speak for or against the ordinance.

Dean Alexander, 13820 SW 16 Street, was present in support of the amendment and noted that there were several residents who would qualify for the exemption. He felt the Statute provided for numerous safeguards and that this would not be burdensome on the Town.

Mayor Venis closed the public comments.

Mayor Venis referenced correspondence received from the Property Appraiser and noted that the information had to be submitted by December 1st. He felt the exemption would be beneficial for those senior citizens that qualify.

Councilmember Weiner indicated that he was in support of the ordinance and questioned the financial impact on the Town. Mr. Middaugh responded that there was no information available.

Councilmember Cox questioned whether a system could be developed to track how much a resident paid in taxes, what the mitigating portion would be, and how this exemption effected the Town. Mayor Venis felt the Property Appraiser's Office could track how many residents qualified for the second exemption.

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)

9. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

Ordinance - First Reading (Second Public Hearing to be held December 1, 1999) [second public hearing was originally scheduled for November 17, 1999; however, the ordinance was withdrawn at the November 3, 1999 meeting]

9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE III BY ADDING "PLANNED TRUCK STOP (TS) DISTRICT," SECTIONS 12-32.200 THROUGH 12-32.208 WHICH PROVIDES FOR DISTRICT INTENT, PERMITTED, RESTRICTED, PROHIBITED AND ACCESSORY USES AND DEVELOPMENT STANDARDS; AMENDING SECTION 12-503 TO PROVIDE DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Assistant Town Clerk McDaniel read the ordinance by title. Mayor Venis advised that a second public hearing would be held on December 1, 1999.

Mr. Kutney provided a brief overview of the ordinance and noted that this item was previously heard at another Council meeting. He advised that the ordinance incorporated the comments and requests that were made and added that the Planning and Zoning Board's comments were referenced. Mr. Kutney indicated that the Planning and Zoning Board had recommended that hotel, motel and similar uses be permitted by special permit.

Councilmember Cox questioned the rationale for requiring a special permit for a hotel and motel use. Mr. Kutney felt there was a general concern by the Board as to whether the use would "fit" the neighborhood and that the use should be reviewed carefully.

Councilmember Weiner questioned whether the Board had any concern with regard to criminal activity. Mr. Kutney responded affirmatively and noted a recommendation to require the hiring of security services.

Mr. Kutney noted the final recommendation as being to prohibit cocktail lounges and nightclubs in hotel and motels as a freestanding use. He provided a brief overview of the ordinance and noted the changes that were made as requested by Council and of the recommendations from the developer. Mr. Kutney advised that in Section 12-32.200, it was requested to add "truck" to the wording for clarity purposes. In 1B of Section 12.32.203, it was requested to add a period after the word "stop" therefore reading: "shall be located in the same property as a planned truck stop." The rationale was that extensive regulations were written regarding unified control and the master plan process. Staff agreed with the recommendations. Mr. Kutney explained that the developer requested adding under item E, the wording "beauty salons" and under item F, it was requested to add "laundries" to the exercise facility item. Staff agreed with these recommendations. He explained that item F would be reviewed; however, staff suggested the possible wording "associated with a restaurant in a hotel or motel". This would permit a restaurant in the hotel or motel and a lounge with the restaurant component. Additionally, staff expressed concern with regard to the sales and wholesale use. He suggested adding language to the effect that the prohibition did not include sales of tires, batteries, and vehicle parts; however, it included bulk storage and sale of petroleum products.

Councilmember Weiner questioned whether all adult entertainment and accessory uses were sufficiently excluded in Subsection 2. Mr. Kutney indicated that he would review the terminology.

Mr. Kutney noted an error in Section 12-32.206 and that Subsection B would be removed. He advised of a change in Section 12-32.208 regarding development standards and

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

explained that the intent was to discourage truck traffic on some of the local roadways; however, the developer felt the language might be too restrictive. Staff suggested adding the wording "predominately residential streets" and at the end of the statement, add "local roadways designated on the master plan". The intent was to encourage travel on the major thoroughfares.

Councilmember Weiner suggested adding the wording "access thereto" to Subsection 5. This would allow for a truck driver who had a business in the Town to travel into the Town.

Mr. Kutney indicated that the developer requested a change to permit truck sales as a permitted use. Staff recommended that if Council desired this action, that a limitation of 5% of the site be placed on the use.

Councilmember Paul questioned whether truck sales would be for new or used trucks and the impact. Mr. Kutney responded that the sale of new trucks was being proposed; however, used truck sales would be permitted. He noted that some truck stops had truck sales as a component and indicated that this was a request by the developer. Mr. Kutney felt that this was different than the general purpose and intent of the district; however, staff was offering the suggestion for Council's consideration.

Councilmember Cox concurred with the 5% limitation. She felt it was the intent to provide services for truck drivers who come into the area and to dedicate a specific area for this purpose.

Councilmember Weiner questioned whether there was a requirement to offer that particular site in the previous agreement and expressed his desire to see a variance request for the use. Mr. Kutney indicated his belief that there was no requirement and suggested that the special permit process be considered instead of a variance.

Mr. Kutney advised that in the definition of truck stop, the developer had requested adding the wording "auto services" and indicated that staff had no problem with the recommendation. He explained that the last two Sections 4 and 5 would be corrected to read Sections 6 and 7.

Mayor Venis questioned whether any of the changes had been incorporated. Mr. Webber advised that none of the changes and/or materials had been prepared.

Councilmember Weiner felt the third Whereas of the ordinance had not changed. Mr. Kutney indicated that he would review this with Mr. Webber.

Councilmember Paul expressed her belief that the ordinance should not have any "gray areas" that could be misinterpreted. She stated that she would like to see the changes prior to moving forward.

Councilmember Paul made a motion to table item 9.1. Since there was further discussion, Councilmember Paul withdrew her motion.

Mayor Venis questioned the time frame for adoption of the ordinance. Mr. Kutney noted that timing was of the essence; however, he was provided with the suggestions today and recognized that Council had not had an ample opportunity to review the changes.

Mark Gordon, representing an applicant, advised that it had been proposed that truck sales would not exceed 5% of the site area. Mr. Gordon was of the belief that this was classified under restricted use and not a permitted use. He explained that the rental of trucks and cars was also included as part of the use and cocktail lounges or nightclubs would not be permitted. Mr. Gordon explained that he did not want to preclude a restaurant from opening

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

contiguous to the hotel site and the hotel had a lounge, with no restaurant. The restaurant would be associated with the hotel; however, it might not necessarily be associated with the restaurant in the hotel.

Councilmember Cox questioned whether the rental cars/trucks would be a part of the 5% limitation. Mr. Gordon indicated that 5% of the property would be dedicated to sales and/or rentals.

Councilmember Weiner inquired as to whether there would be a rental desk and cars and/or trucks coming from different sites. He questioned whether there could be a limitation as to the rental of vehicles on-site within the 5%. Mr. Gordon responded negatively and indicated that it was the intent to have the vehicles on-site. He agreed to the limitation; however, he requested that parking of the vehicles be contiguous to the building.

Councilmember Paul questioned the lounge relationship. Mr. Gordon explained that there might not necessarily be a restaurant in the hotel. Mr. Middaugh felt the distinction was that any lounge or nightclub activity would be associated or an accessory to a restaurant and that no freestanding lounges were to be permitted. Mr. Kutney indicated that Mr. Gordon was referring to a small-scale lounge.

Mr. Gordon noted that a post office type establishment would also be requested. Mr. Kutney indicated that he was not opposed to this use.

Bill Meyers, an applicant, noted that there was an issue with the State regarding the street which the Town would be paid. He indicated that he was waiting for the zoning to be established so that the rezoning could be applied for. The upright construction must begin by February 28, 2000 and advised that he was attempting to secure funding to concrete the road rather than asphalt. This truck stop would cost approximately \$25 - \$30 million dollars in addition to the land.

Councilmember Weiner questioned the latest date that the ordinance could be passed in order to allow the applicant to adhere to the construction timeframe. Mr. Kutney was of the opinion that no further delays could be afforded and indicated that staff was going to review the contract to see if the construction date could be extended. He noted that this would be difficult since the property must be rezoned, go through the site plan process, and have building permits issued.

Councilmember Weiner noted that his first inclination was to concur with Councilmember Paul to wait and approve the ordinance once all the changes were in the ordinance. However, based on Mr. Kutney's statements that he would be able to provide the corrections prior to the second reading, he did not have the same reservations; however, he reiterated his previous comments regarding obtaining the information in time to review.

Councilmember Cox felt that Council was in agreement with the exception of the lounge issue and suggested requiring the lounge to be a part of the special permit process. She expressed concern with regard to a hotel having a lounge and patrons not having access to food. Mr. Meyers noted that the intent was to have a walk through between the hotel and the sit down restaurant. Mr. Gordon added that the restaurant would be connected to the hotel and should alleviate Councilmember Cox's concerns. Mayor Venis felt it was important to require the lounge to have access to food.

Mr. Kutney summarized that Council had to determine how important the lounge facility was for the facility and noted that fast-food restaurants were permitted. He felt there would be some flexibility as to the type of restaurant/lounge that was permitted. Mr. Gordon felt that a limitation placed on the type of liquor sold would affect the type of establishment

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

that would come to the facility. Councilmember Cox was of the belief that a major hotel would not limit themselves to a bar area and referenced the liabilities associated with no kitchen facilities. She suggested placing a limitation that if there was a lounge facility in the hotel they would also be required to have a kitchen might be in the lounge or the kitchen might be in the restaurant.

Councilmember Weiner commented that if the Town permitted a lounge in a hotel/motel, it must be associated with a restaurant. He explained that it could be associated with the restaurant outside and the kitchen to be inside or outside of the lounge.

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

Councilmember Cox concurred with recommendations number 2 and 4. She questioned the intent of the security service requirement. Councilmember Weiner questioned if the intent was to provide more control over the hotel/motel and the possible criminal element. Mr. Kutney explained that at truck stops, drivers generally would sleep in their vehicles and the intent was to have the ability to service the general public. He noted that special permits could be applied for at the time the site plan approval was being sought. Mr. Kutney felt that a private security force may be needed for security purposes and indicated that the developer had indicated that he intended to provide for an elaborate security force.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve with the changes that were discussed and to instruct Mr. Kutney to provide the alterations prior to the Council meeting and to the four Planning and Zoning recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

Ordinances - Second and Final Reading

99-40 9.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN, CHAPTER 2, ARTICLE VII, DIVISION 2, BY CHANGING THE DEPARTMENT'S NAME TO PARKS AND RECREATION; AMENDING ARTICLE XI, DIVISION 5, SECTION 12-340 TO REFLECT THE NAME CHANGE; AND PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Assistant Town Clerk McDaniel read the ordinance by title.

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

Councilmember 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
NOVEMBER 17, 1999**

- 9.3 **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 FACILITIES 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 9-1-99, Sheridan Hills Baptist Church, 2400 & 2420 Pine Island Road)**

This item was tabled earlier in the meeting.

Purchase of Property

- R-99-355 9.4 **PROPERTY ACQUISITION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN ASSIGNMENT OF AGREEMENT FOR THE ACQUISITION BY THE TOWN OF THE PROPOSED "EAST SIDE DAVIE PARK SITE"; AUTHORIZING TOWN STAFF TO TAKE ALL NECESSARY ACTIONS TO CLOSE ON THE ACQUISITION OF THE SUBJECT PROPERTY FROM DYNACOLOR GRAPHICS, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.**

Assistant Town Clerk McDaniel read the resolution by title.

Mr. Middaugh noted a meeting in which the land acquisition for a park site on the east side had been discussed and indicated that the discussion had focused on the land acquisition and the design issues. He indicated that there was a general consensus that a park site was needed and the land must be purchased and the subject property in question seemed to support the consensus. Mr. Middaugh advised that the residents had felt it was important to not duplicate activities and the discussion had included the need for renovations at the Potter's Park facility. He advised that if this resolution was approved, the next step would be to conduct additional public meetings in order to provide input as to the specific design of the park.

Will Allen, Programs Manager, referenced the bond initiative which included funds to acquire property on the east side. In a comprehensive search, staff reviewed properties that would be large enough to fill the need and the properties that were reviewed were primarily north of Griffin Road due to the demographics of the area. Mr. Allen indicated that there was limited vacant land that was suitable for a park and staff had reviewed whether properties could be purchased and a park developed. The only other site that was found to be suitable for a park was near E-Lake and this cost would be more than the current proposed site. Mr. Allen provided an overview of the staff report.

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

Paula Twitty Bushman, SW 54 Avenue, indicated that in brief conversations with neighborhood children, they were in favor of a park similar to Pine Island and indicated that more children would be moving into the area with Potter Park being the only facility available to accommodate the children. She stated that she did not allow her children to play at Potter Park because there was no supervisor and there had been problems. Ms. Twitty Bushman expressed her desire for a park similar to Pine Island Park and requested to be a part of the planning process if this was approved. She felt that Council should consider developing the park within a year and the balance of the funds being used to develop the property.

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

Vice-Mayor Bush read "Save Our Children a Place to Play!" petitions into the record with approximately 350 signatures.

Richard Clark felt the previous speaker had a terrible attitude. He noted that there was supervision and that the residents were in favor of Potter Park. He expressed concern with regard to the parking at the proposed park and the purchase price of the property.

Isaiah Clark reiterated the previous speaker's comments and noted that the residents would like an additional park. He expressed concern with regard to the purchase price of the property and whether services would be duplicated. Mr. Clark felt the additional monies should be used to purchase more property to be developed in the future.

Irene Felton commented that there was supervision at Potter Park and added that it was a safe park. She was in favor of a new park; however, she felt Potter Park had not progressed and the Town should provide the opportunity for the children to develop. She questioned whether Potter Park would be developed in the future.

Geraldine Clark questioned how the safety factors near the park would be addressed. She noted that 61st Street was highly traveled and there was a lake near the proposed park site. Ms. Clark requested that Council consider whether the children would be safe at the park and referenced previous promises that were made to the community which had not been fulfilled. She questioned if the park would be built in three years, what the anticipated timeframe was for construction, if there was any guarantee that the park would be completed, if Council was willing to place \$1 million in this one area; and what Council's plans were to make the area safe for children.

Tom Truex, 4740 SW 72 Avenue, noted that he was originally against the \$12 million bond because of the allocation of funds. He expressed his desire for Council to approve the land acquisition as he did not believe the land would become cheaper. Mr. Truex concurred with the previous speakers and noted that these comments had been made at previous meetings. He questioned whether the monies were to be used for land acquisition versus improving Potter Park and noted the need to redevelop Potter Park. Mr. Truex felt all the residents needed to be treated equally and that a lot of promises had been made. He commented that the Parks and Recreation Advisory Board should make a serious effort to obtain representation from the east side residents, in particular the Potter Park area.

Cindy Griffin, 5394 SW 61 Avenue, stated that she was pleased to see the issue of the lack of park space on the east side being addressed. She expressed her desire to see the issue of the park site on the east side versus the west side could be addressed in a civil manner. With regard to the available land, she felt there were not many options as to appropriate parcels.

Lisa Edmondson, 4311 SW 93 Avenue, indicated that she was a member of the Parks and Recreation Advisory Board and noted that the east side was developed without any foresight or flexibility to add needed areas. She expressed her belief that more square footage for parks should be pursued even if the costs were more than anticipated. Ms. Edmondson advised that the subject neighborhood was surrounded by a warehouse district and was advised that for safety reasons, a bike trail could not be constructed between the parks. She felt the children to the west did not play in Potter Park because they could not safely get to the park. Ms. Edmondson questioned whether the Potter Park children would be able to safely get to the 61st Avenue park as the topography showed that the eastside residents would be divided by a business district. She explained that the bond monies were allocated for new parks and not to improve existing parks as there were monies that were designed to improve

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

existing parks. Ms. Edmondson advised that certain promises had been made during the bond campaign and reiterated that the \$1 million was for the purchase of property. She pledged that Potter Park would not be ignored.

Betty Jefferson, 4241 SW 55 Avenue, stated that she had volunteered with the Police Athletic League and expressed her belief that Ms. Edmondson was trying to separate the community. Ms. Jefferson noted that the children could not use Pine Island Park because of the distance and suggested monies be used to develop Potter Park.

Dolores Elmore, 5426 SW 42 Street, was in favor of the land acquisition and felt there would be no conflict between the two parks. She commented that Potter Park could be improved and that there was a need for additional park space in the area.

Ms. Twitty Bushman apologized if she was misunderstood and clarified that she would not allow her children to cross the street or walk to a park due to their ages and because of the traffic. She explained that the \$1 million allocated was for the purchase of the property and any additional funds would be allocated from different sources. Ms. Twitty Bushman reiterated the park was important.

Mayor Venis closed the public hearing.

Mr. Rawls indicated that there were numerous lakes in this area. He explained that Veteran Park currently fronted L Lake and was an amenity of the park. The proposed site did not abut L Lake; however, it would be a top priority to secure the property and the property would be fenced. With regard to the walkways and activities on SW 61 Avenue, this was a heavily traveled pedestrian area. Mr. Rawls felt the roadways were safe and noted that bicycle routes and ramps had been constructed. The only missing portion of the bicycle route was on the corner of SW 61 Avenue and Orange Drive due to the lack of a right-of-way which would be available shortly.

Mayor Venis questioned the speed limit around the park would be modified. Mr. Rawls indicated that the Florida Statutes did not provide for speed limits around parks, however, the Town has had success with speed humps and the issue would be brought forward for the community's consideration. He felt the parking issue was premature to discuss at this time and explained that at this time, staff would not recommend a high-intensity parking due to the number of pedestrian users of the site.

Mr. Middaugh commented that if Council approved the purchase of the property, a timeframe would be developed and this matter would be addressed in a timely fashion.

Vice-Mayor Bush referenced a site plan for the Summer Lake Apartments with 108 units. He questioned if this would be a gated community. Mr. Rawls explained that the intent of the developer was to have a gated community with some security adjacent to the lake area.

Councilmember Cox noted that the easement that would be provided by the developer along SW 61 Avenue would allow the residents to have an access easement along the lake or through the complex to the SW 61 Avenue site. In reality, the parks would be linked together by the easement. She felt the comments made by Ms. Edmondson were misconstrued by the speaker who followed her and it was her belief that the intent was for everyone to use the parks. Councilmember Cox noted that the Potter Park area had been increased from 3.7 acres to 5.6 acres and an additional \$104,000 would be spent on the Potter Park facilities. She felt there were some improvements in the area and indicated that the resident's input was important. Councilmember Cox stated that the residents should decide what facilities would go into the new park and should readdress the facilities at Potter Park. She expressed her

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

belief that the discussions should be relative to whether or not the park site should be purchased. She felt there was not much choice in the matter as this was the only large parcel remaining. Councilmember Cox expressed her desire to move forward.

Councilmember Weiner reiterated his previous concerns regarding the purchase price being expensive and objected to the east/west separation of \$1 million for a park on each side. He concurred with Mr. Truex's comments relative to using the additional monies to buy additional land and felt the budget should address the concerns for the programs. Councilmember Weiner expressed his opposition to spending \$350,000 to develop the parcel. He preferred to see the monies combined to purchase additional properties and believed the amenities and programs to the park should be placed in the budget. Councilmember Weiner explained that he was in favor of moving forward; however, he was not looking to develop the property within a certain timeframe. He felt the items should be placed in the budget if there was a surplus of funds. Councilmember Weiner noted that Mr. Middaugh had previously advised that the monies could be redirected for another use.

Councilmember Paul initially felt that the purchase price was high, however, after reviewing the economics of the situation, she noted that the cost increased as the availability decreased. She stated that it was her understanding that the bond issue monies were to be used for acquisition and she felt there was no alternative other than purchasing the property if the Town desired to expand its parks.

Mayor Venis commented that at a previous workshop meeting, the consensus was that the purchase price of \$1 million was out of the question. The current purchase price was what was paid many years ago and this would be a nice park that would service many children. He noted that he had visited the Potter Park area numerous times and he had attempted to address items in the Park. Mayor Venis expressed his pleasure that the Director for the Police Athletic League had pledged to work hard in the area. He referenced the previous goal of constructing a gymnasium in the area and noted that this goal had not diminished. Mayor Venis felt the park was progressive and was moving forward.

Vice-Mayor Bush indicated that in discussions with the residents, it was the consensus that everyone would like a park as soon as possible. He felt the residents were not interested in banking land or a process that would take one to two years to construct. Councilmember Cox.

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)

Items to be tabled

**9.5 PLANNING AND ZONING TABLED TO DECEMBER 8, 1999;
COUNCIL CAN TABLE TO DECEMBER 15, 1999**

REZONING - ZB 10-1-99, Building Education Corp./Culverthouse Investment Properties, Ltd., northwest corner of Orange Drive and Flamingo Road (from A-1 to CF)

This item was tabled earlier in the meeting.

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

**9.6 PLANNING AND ZONING TABLED TO DECEMBER 8, 1999;
COUNCIL CAN TABLE TO DECEMBER 15, 1999**

REZONING - ZB 10-2-99, Associated Engineers of South Florida, Inc./Calvary Chapel Sawgrass, 450 SW 130 Avenue (from CF to CF)

This item was tabled earlier in the meeting.

**9.7 PLANNING AND ZONING TABLED TO JANUARY 12, 2000;
COUNCIL CAN TABLE TO JANUARY 19, 2000**

VARIANCE - V 10-1-99, Toomey/Konover and Associates/Davie Plaza, 11486 State Road 84 (B-2) (to reduce the minimum criteria pertaining to free standing sign setbacks, and to increase the maximum free standing sign height)

This item was tabled earlier in the meeting.

9.8 STAFF REQUESTING A TABLING TO DECEMBER 1, 1999

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.

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

10. SITE PLANS

10.1 SP 8-3-99, Stirling 67, 6690 Stirling Road (B-3) *Planning and Zoning Division recommended approved subject to the planning report; Site Plan Committee recommended approval subject to the planning report items 1 through 7*

Frank Costoya, representing the petitioner, was present. Mr. Kutney summarized the planning report.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve subject to the planning staff's report. 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
NOVEMBER 17, 1999**

- 10.2 SP 9-6-99, Nova Southeastern University Library and Information Technology Center, 3301 College Avenue (CF) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report on October 26, 1999 meeting; and approval of the resubmitted plans on November 9, 1999

John Santulli, representing the petitioner, was present. Mr. Kutney summarized the planning report.

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

- 10.3 SP 10-2-99, Summerlake Apartments, Ltd., 4190 SW 61 Avenue (RM-16) Planning and Zoning Division recommended approved subject to the planning report; Site Plan Committee recommended approval subject to the planning report items 1 through 19 and adding item 20 which was to extend the roof overhang over the stairways

Bonnie Miskel, George Gonzalez and Sandy Duckert, representing the petitioner, were present. Mr. Kutney summarized the planning report.

Mayor Venis questioned if the shingles were mildew resistant with Mr. Gonzalez indicating that he would think so. Mayor Venis advised that he wanted resistant shingles.

Councilmember Paul questioned whether a hedge was provided around the parking stalls adjacent to the lake. Ms. Miskel pledged to comply with all the conditions including modification of the site plan to show the hedge around the parking. She also questioned the grading and the distance between the parking area and the lake. Mr. Duckert advised that the slope was 4:1 from the top of the bank to the edge of the water which equated to approximately 21 feet. He added that there was a 15-foot setback from the top of the bank to the parking area with a 20:1 slope.

Councilmember Paul questioned if a hedge would be enough to prevent someone from driving into the lake. Ms. Miskel advised that there would be tire stops in addition to the hedge and added that she felt the tire stops would be the best solution as opposed to a fence or metal posts. She indicated that the lake would not be fenced, however, signs would be posted prohibiting fishing or other water activities.

Vice-Mayor Bush questioned if the elevation of the parking lot would cause standing water in the event of another hurricane. Mr. Duckert did not believe that there would be standing water. Ms. Miskel advised that permits would be required from the South Florida Water Management District and the Central Broward Drainage District and added that compliance with all local regulations was required.

Councilmember Weiner suggested that round wooden posts be used instead of metal posts. Ms. Miskel agreed and indicated that she would like to blend the posts with the architecture.

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to approve with all caveats provided, the Site Plan Committee, staff's recommendations, wooden posts and mildew resistant shingles. 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
NOVEMBER 17, 1999**

11. APPOINTMENTS

11.1 Youth Advisory Board (non-exclusive appointments - 1 voting student member who is concerned with and interested in the park facilities and leisure needs of the youth citizens in the Town and must reside in the Town of Davie. The member shall be comprised of students from grades 5 through 12 with the Council considering the following criteria: a) demonstration of interest in park facilities and leisure needs of the youth citizens in the Town; b) participation in team sports programs; and c) average or above average academic performance at their school; term expires March 2000) (deferred from November 3, 1999)

Vice-Mayor Bush appointed Colandra Davis.

11.2 Budget Advisory Committee (one exclusive appointment per Councilmember; insofar as possible, members shall have experience in financial related occupations or similar skills; term of January to December 2000)

Councilmember Cox and Vice-Mayor Bush deferred their appointments. Mayor Venis appointed Dave Brown. Councilmember Weiner appointed Dan Barr. Councilmember Paul appointed Ellen Christopher.

11.3 Davie Water Advisory Board (two exclusive appointments per Councilmember; insofar as possible, one member of the Board shall be a licensed engineer; term of January to December 2000)

Councilmember Cox appointed Dean Alexander. Councilmember Weiner appointed Robert Hoth and Stuart Lieberman. Mayor Venis, Vice-Mayor Bush and Councilmember Paul deferred their appointments.

12. NEW BUSINESS

12.1 Senior Citizen Advisory Board

Mr. Middaugh provided information as to current organizations who might be able to provide services as opposed to establishing a board. He advised that staff was requesting direction as to the scope and range of activities that Council would like discussed.

Mayor Venis indicated that he wanted to see a stand alone and noted that Lil Olfern had expressed an interest in serving on this type of board. He indicated that he felt the board should be all encompassing. Councilmember Paul agreed.

With regard to the number of board members, Councilmember Weiner and Mayor Venis suggested that each Councilmember have two appointments. Councilmember Cox and Vice-Mayor Bush suggested one appointment. Councilmember Paul responded "the more the merrier".

Councilmember Cox felt that Councilmember Weiner's earlier statements regarding Ms. Christopher had achieved a ludicrous level and indicated that she considered Ms. Christopher to be a diligent and hard working resident. She advised that she did not always agree with Ms. Christopher and felt that her appointment to the Board was a good appointment.

Councilmember Weiner advised that Ms. Christopher had phoned him the next morning in tears and if the video tape was viewed, one would see two Councilmembers

**TOWN COUNCIL MINUTES
NOVEMBER 17, 1999**

looking at each other and starting to laugh. He felt no resident should be put through this and indicated that he was not attributing motives; however, if that was that way it was being perceived, so be it.

Councilmember Cox felt that if Ms. Christopher was in tears she should have called and complained directly to her. Councilmember Weiner commented that Councilmember Cox had asked Ms. Christopher to not talk to her. Councilmember Cox responded that she had asked not to receive any more e-mails regarding Mr. Webber as she was tired of trying to figure out what the real complaint was. She expressed her appreciation that Councilmember Weiner not discuss what she was thinking or her motives in front of this body and if Councilmember Weiner or a resident had a problem, the comments should be directed to her.

Councilmember Weiner noted that he was abiding by Councilmember Cox's wishes by not attributing any motive.

13. ADJOURNMENT

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

APPROVED _____

Mayor/Councilmember

Town Clerk