

**TOWN COUNCIL
REGULAR MEETING
FEBRUARY 16, 2000**

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

3. PRESENTATIONS

3.1 Orange Blossom Update - Arline Broleman, Executive Director - Davie/Cooper City Chamber of Commerce

Ms. Broleman, representing the Chamber, updated Council on the Chamber's efforts.

3.2 General Federation of Womens Clubs

Mayor Venis presented a Certificate of Achievement to Dolores Colber, Linda Boyd, Carol Kaplan, and Margo Barr for the Federation's ten years of service.

3.3 United Way - Michael Donati, Fire Chief

Chief Donati recognized several staff members who collected more than \$1,100 for United Way and presented a certificate of appreciation to those present: Cheryl Ellett, John Cassaro, Janet Gale, and Dan Colabella. He indicated that certificates would be presented to the following staff who were unable to be present: Wes Griffin, Raquel Gray, Dan Oyler, Linda Williams and Richard Boyhan.

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

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Paws for Applause (February 20th); concert in the park at Robbins Lodge (February 20th); Westfair (beginning February 29th); the 23rd Annual Waterway Cleanup (March 25th); and the Second Annual Charity Open Invitational Orange Blossom Westfair Cowboy Cow Pasture Golf Classic (April 13th).

Sharon Pierce-Kent, Parks and Recreation Director, announced that upcoming events included: Young at Art Museum art exhibit (February 25th); country picnic for adults and seniors (March 10th); ice cream social for adults and seniors (April 18th); soccer league (February 20th); and the parks master planning meeting (February 23rd and February 28th).

3.5 Quarterly Budget Report

Christopher Wallace, Director of Budget and Finance, reported on the quarterly budget. Mayor Venis summarized that the Town was on target with regard to revenues and expenditures; however, numerous revenues and expenses were generated in the first quarter with the second quarter showing more realistic figures.

Councilmember Weiner questioned whether funds were being taken from contingency to pay for litigation including the City of Sunrise litigation. He further questioned if any unforeseen, unbudgeted litigation would be paid from contingency. Mr. Wallace responded affirmatively and noted to the extent that the funds were available. He was unsure of the exact impact of the City of Sunrise litigation, however, he acknowledged that most of the fees

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were for this litigation. Mayor Venis was of the belief that this expense should have been anticipated. Mr. Wallace indicated that money was budgeted for this litigation but because the Town had not had this type of litigation before, there was no basis for what the expense would be. He indicated estimates were received, however, the litigation was continuing. Mayor Venis questioned the amount budgeted for the litigation. Mr. Wallace was of the belief that \$100,000 for legal expenses had been budgeted.

Councilmember Paul questioned whether the garbage franchise payments were current. Mr. Wallace responded negatively and noted staff's displeasure in the franchisee's attempts to make payments. Councilmember Paul questioned the length of the contract with Mr. Middaugh responding that he believed seven years remained on the contract. Councilmember Paul questioned whether the contract could be renegotiated. Mr. Wallace noted the procedure for terminating the contract and indicated that this has only been a recent problem with Waste Management. Councilmember Paul referenced Councilmember Weiner's previous comments concerning renegotiating the franchise contract when there was a change of ownership. Mr. Wallace responded that this issue would have to be addressed by Council. From a revenue point of view, Mr. Wallace pledged to ensure that the Town was compensated. Councilmember Cox expressed concern with regard to the revenue stream and the level of service and noted several complaints that she had received. Mayor Venis indicated that he had spoken with a manager at Waste Management and advised him that the Town had received a number of complaints. Mr. Wallace expressed his belief that the franchise fee should be paid monthly rather than quarterly. Mayor Venis was hopeful that the franchise agreement would be renegotiated and noted a survey which would require renegotiations.

Councilmember Weiner questioned if the franchisee was in default of payments, could the Town send notification of such default. Mr. Wallace indicated that he would review this issue with Mr. Webber.

9.7 Mayor Venis advised that this item would be heard out of order and indicated that there were a number of individuals in opposition.

Bill Laystrom, representing the petitioner, advised that the request for tabling was to complete a traffic study which would take approximately two weeks and to allow staff approximately one week to review the study prior to submitting to Council.

Mayor Venis expressed his opposition to the site plan and suggested that the request be withdrawn. Mr. Laystrom noted that the applicant was reviewing the process and acknowledged the Town's sensitivity to the residents as a whole and the issues that were presented to the applicant to conduct the traffic study. He explained that he was retained last Friday and had had little time to hear the concerns. Mr. Laystrom indicated that he would advise his client on Mayor Venis' request, however, his client had not expressed a desire to withdraw the application.

Councilmember Weiner advised that this item had been tabled twice. He stated that at the last meeting, he had made a motion to table the item since the residents in the neighboring community were not aware of the application. He expressed his desire to move forward at the March 1st meeting because he did not want this to be an election issue. Mr. Laystrom responded the issue was tabled by Council as the petitioner was ready to move forward two weeks ago and indicated that he was ready to proceed at tonight's meeting but it would be over his objections. He wanted clarification that not having a traffic report

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reviewed by staff would not be an issue to Council. Councilmember Weiner indicated this was not an issue to him.

Councilmember Paul indicated her willingness to hear the matter tonight, however, she would be willing to hear the matter on March 1st if Council agreed. She noted that she had pulled the item from a previous agenda as she had received numerous calls concerning a hotel being located close to a middle school and a new daycare center. Councilmember Paul suggested that the applicant change the plans from a hotel to a nursing home as this would be a great partnership with the school that could provide generational activities.

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

An unidentified resident commented that Council had a unique position in that it had assisted in creating the environment on State Road 84 and Nob Hill Road. Along with creating the environment, she felt that Council had the duty to protect the children and to maintain the environment for the children. Unfortunately, where there were numerous children, there were people who preyed on these children and Council needed to ensure that the environment was safe for the children. She advised that the elected officials were not empowered due to their legal expertise, but because the officials promised to ensure the safety and do the things that were in the best interest of the Town and its residents. She assured that a business in the area whose sole purpose was to bring strangers in the area was not appropriate. She encouraged Council to find a legal avenue to stop this matter and to reassure the residents that this would not be allowed in the future. She further encouraged that this parcel be rezoned so that this could not happen in the future.

Mark Borboun was in opposition and explained that he moved to this location for the quality of life. He felt that the hotel was a bad idea and indicated that he was not aware of any school that was located adjacent to a hotel. Mr. Borboun felt that hotel rooms were attractive nuisances for children skipping school and for undesirable people. He acknowledged that there were several legitimate people in a hotel, but there was no need for a hotel near a school.

Paul Tainter was in opposition and commented on the traffic concerns on Nob Hill Road. He felt that the crossing guards attempted to alleviate some of the problems. Mr. Tainter expressed concern with regard to this cross point attempting to accommodate a hotel that was also the access point for EMS and the Police Department.

William Ferris was in opposition as he felt that the children should be protected from predators and traffic and indicated that he concurred with the previous speakers. It was his belief that the access road was approved in a bad location and added that there were peak hour problems. Mr. Ferris noted that the intersection was close to a major thoroughfare and he felt the access should be closed.

P.J. Grant, Advisory Forum Chair at Indian Ridge Middle School, advised of several parents who had voiced their opposition to the hotel. She felt the school was a centerpiece in the community and that the school had shown a tremendous amount of pride in the Town. Ms. Grant noted that the parents were highly involved and that the school provided a safe environment for several events. She commented that the parents were not opposed to the rezoning of the property, but were opposed to any use that would pose a threat to the safety of the children, specifically hotels and motels, private clubs, bars/lounges or any other similar business. Ms. Grant referenced the lack of notification given to the school and encouraged Council to deny the proposed construction of the hotel.

Kathleen Bleier was in opposition and indicated that she trusted that Council would

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continue to be protective of the Town's children in regards to the proposed hotel. She commented that the hotel overlooked the children practicing on the sports fields which left her with an uncomfortable image. Ms. Bleier felt this business might bring an added safety risk to the problematic morning drop off and pick up off the schools. She encouraged the applicant to visit the school and to appreciate what good neighbors the school could be.

Susan Starkey was in opposition and advised that she felt that there was not ample notification to provide a true parental opposition to this proposed hotel. She expressed concern with regard to a hotel being located near a school and referenced a conversation with a Broward County Planning Council official who was unaware of a hotel ever being located near a school. Additionally, the Planning Council for the School Board noted that the committee often did not chose a site that was not in an appropriate environment for children. Ms. Starkey commented that the future land use amendment discussed school criteria selection and that a park, library, or community center should be considered as a more appropriate use for that site.

Doug Iscovitch, principal, stated that Indian Ridge was a unique school and was one of the only schools in which the buses dropped off students in the Town in which they lived in. He advised that the biggest issue in the United States was safety and he invited Council to visit the school unannounced to see how safe the school was run.

Kay Starkey was in opposition and expressed her belief this was not an appropriate location for a hotel.

Mayor Venis closed the public hearing section.

Mr. Laystrom advised that he would relay the comments to the applicant. He noted that there seemed to be a consensus that some of the uses were acceptable, which was an issue to the seller and not the buyer.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table until the March 1, 2000 meeting. 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)

Mr. Middaugh suggested that staff be directed to develop an ordinance which separated hotels from schools to ensure that there was a certain level of quality and distance from schools. Councilmember Paul and Mayor Venis concurred.

Mayor Venis announced that items 7.15, 9.8 and 9.9 needed to be tabled to March 1, 2000.

Councilmember Weiner 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 9.5 had been withdrawn and item 9.6 needed to be tabled to March 15, 2000.

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

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4. MAYOR/COUNCILMEMBERS COMMENTS

MAYOR VENIS

PRINCIPAL FOR THE DAY. Mayor Venis advised that he was principal for the day at Silver Ridge Elementary School.

SMOKE DETECTOR PROGRAM. Mayor Venis requested an update on this program. Mr. Middaugh advised that an update would be provided at the next meeting.

CAPITAL PROJECTS. Mayor Venis noted resident concerns with regard to road repaving, guardrails, etc. and felt that it was important that a new five-year capital project plan be developed.

REGISTRATION FOR ACTIVITIES. Mayor Venis questioned why registration for activities could not be facilitated at other locations rather than at one centralized location. Ms. Pierce-Kent advised that the mail-in registration had been instituted for several years and she hoped that the new software system would be available by summer for residents to register through the Internet. She added that registration could also be paid by charge card. Mayor Venis requested that this information be placed in the Davie Update.

VICE-MAYOR BUSH

LEGISLATIVE PICNIC. Vice-Mayor Bush noted that the picnic was held on February 13th and he had had the pleasure of introducing the Broward County Legislative Delegation and different elected officials. He thanked Bonnie Stafiej for her efforts.

COUNCILMEMBER COX

WESTFAIR. Councilmember Cox reiterated the Westfair events and expressed her desire for the Town's residents to attend the Resident Appreciation Night.

CENSUS. Councilmember Cox reminded everyone that the Census would be mailed in March. She noted that if this information was not filled out, it would effect the Town's allocation of monies.

Mayor Venis complimented David Brown for his efforts with regard to the Census.

COUNCILMEMBER WEINER

RETURN. Councilmember Weiner expressed his pleasure to be back from Boston where his sister had gotten married.

HELMET ORDINANCE. Councilmember Weiner referenced discussions held on January 5th regarding a proposed ordinance to require children to wear helmets while riding. He noted that it was agreed that this item would be tabled to bring back changes. At a subsequent meeting, Councilmember Paul had suggested changing the enforcement mechanism to a children/municipal court setting, which he was opposed to. Councilmember Weiner indicated that he did not believe that this would be enforceable and if an ordinance did not have enforcement with "some sort of teeth," residents would lose respect for all laws that were passed. He commented that with regard to the prohibition of ATV's or the vicious dog ordinance, there were fines which was the way in which the ordinance was enforced. Councilmember Weiner expressed his desire that the ordinance have an enforcement mechanism.

GO-PEDS/GO-CARTS. Councilmember Weiner advised that his homeowners' association requested that he conduct research with respect to go-peds and go-carts as these vehicles were loud and dangerous. He requested that Police Chief John George and Ms. Pierce-Kent send

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literature to children notifying them of the dangers. Councilmember Weiner advised that his research showed that most of the vehicles were illegally operated by children because they did not have driver's licenses operate. He added that there was also a requirement to have safety equipment on board.

OCCUPATIONAL LICENSE AMNESTY PROGRAM. Councilmember Weiner noted that at the last meeting, he had requested an update with regard to this program. Since that time, he was made aware of numerous rumors that Vice-Mayor Bush had never obtained an occupational license for his business on State Road 84. Councilmember Weiner assumed that Vice-Mayor Bush would take this opportunity to inform the public that these accusations were untrue.

CAMPAIGN LITERATURE. Councilmember Weiner referenced Vice-Mayor Bush's campaign literature in which he described a goal to improve the relationship between Councilmembers. Councilmember Weiner commented that Vice-Mayor Bush's first campaign promise had been broken and advised of a Florida Bar charge served against him relative to being involved in the Joint Powers Agreement discussions.

COUNCILMEMBER PAUL

EASE FOUNDATION. Councilmember Paul invited Jay Perez to make a statement to Council. Mr. Perez thanked Council for their support to secure a location so that the services could be continued to be provided.

FLOODING. Councilmember Paul advised of a conversation with Mr. Keel who expressed concern with regard to the Town assisting the area west of Hiatus Road. She had informed him of the work that had been conducted and the partnerships that had been formed. Councilmember Paul noted a fear from the residents that the government would not be responsive to their needs and encouraged the Town to provide a presence at their meeting on February 19th. Councilmember Paul questioned whether Councilmember Weiner would be in attendance and if more than one Councilmember was permitted to be in attendance. Councilmember Weiner responded that he was coordinating with Ms. Dwyer. Mr. Webber advised that if there would be discussion regarding an upcoming matter for Council's consideration, than both Councilmembers were not permitted to be in attendance if they would be communicating at the meeting. If there was no communication at the meeting, then there was not a problem.

PRINCIPAL FOR THE DAY. Councilmember Paul thanked Davie Elementary for allowing her to be principal for the day. She noted that she was impressed with the school and with Mrs. Geraro's 4th grade class.

PIONEER DINNER. Councilmember Paul advised of a dinner at the Old Davie School honoring the Aunapu, Johnson and Saar families.

POTTER PARK. Councilmember Paul indicated that she had visited Potter Park and noted that it was in need of assistance. She stated that staff had been helpful in providing some answers.

SAFE KIDS CAMPAIGN. Councilmember Paul announced that the Police and Fire Departments, the Child Safety Board and Florida Atlantic University were having a Safe Kids Campaign on February 19th at the Tower Shoppes.

CHILD SAFETY BOARD. Councilmember Paul requested that a liaison from the Fire Department be part of the Child Safety Board.

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CITRUS CANCKER. Councilmember Paul noted the citrus canker problem in the Town and requested a review of how the Town could offer assistance. She suggested that the Town provide representation to handle the blight that was about to create havoc on the communities and noted the need to educate the public on the program.

HORSE SHOW. Councilmember Paul announced that a horse show to benefit the EASE Foundation and Project Stable would be held on March 26th.

RESIGNATION/APPOINTMENT. Councilmember Paul announced the resignation of Larry Kuvin from the Planning and Zoning Board. Councilmember Paul appointed Larry Davis to the Planning and Zoning Board and advised that Mr. Davis had resigned from the Water Advisory Board.

5. TOWN ADMINISTRATOR'S COMMENTS

SUNSHINE RANCHES. Mr. Middaugh referenced information sent to the Sunshine Ranches area and advised that there were numerous, generally positive, calls making inquiring about the Town. Councilmember Paul noted that information was sent out to residents who were not a part of the Sunshine Ranches area and that she had received numerous calls from the Rio Ranches areas. She explained that they were upset to be apprised that they "did not count" since they were not part of the Sunshine Ranches area. Councilmember Paul expressed her desire to have a meeting with those residents.

CITIZEN ASSEMBLY. Mr. Middaugh noted that the Citizen's Assembly meeting would be held on February 22nd at 6:30 p.m. He encouraged homeowner associations to send delegates to this meeting.

6. TOWN ATTORNEY'S COMMENTS

LITIGATION. Mr. Webber provided an update on litigation in which the Town was involved: Bar-B Ranches, 142nd Avenue, Chapter 175/185 monies, Coastal Carting, MVP, Cummings, Sunrise, Rowars, and the street vendors matter.

Mr. Webber requested that an Executive Session be scheduled on February 28th at 5:30 p.m. to discuss the Sunrise litigation.

7. CONSENT AGENDA

Minutes

- 7.1 December 13, 1999 - Workshop Meeting (tabled from February 2, 2000)
- 7.2 December 15, 1999 - Regular Meeting (tabled from February 2, 2000)
- 7.3 January 5, 2000 - Regular Meeting
- 7.4 February 2, 2000 - Special Executive Session

Carnival - Waiver of Occupational License Fee

- 7.5 Saint David Catholic Church, 3900 South University Drive (March 16 - 19, 2000)

Parade Permit

- 7.6 Davie/Cooper City Chamber of Commerce, 4185 Davie Road (March 4, 2000)

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Resolutions

- 7.7
R-2000-22 **EXTENDED WARRANTY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE EXTENDED WARRANTY WITH ZOLL MEDICAL CORPORATION FOR MAINTENANCE OF FIRE DEPARTMENT DEFIBRILLATORS AND M SERIES MONITORS. (\$11,752)**
- 7.8
R-2000-23 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF UNDERGROUND UTILITIES AND SITE IMPROVEMENTS AT PINE ISLAND PARK. (The Haskell Company; \$641,291.68)**
- 7.9
R-2000-24 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A BACKHOE/LOADER, STATE OF FLORIDA BID NO. 760-001-99-1. (Trax, Inc.; \$58,513.79)**
- 7.10
R-2000-25 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CHLORINE FOR WATER TREATMENT, CITY OF CORAL SPRINGS BID NO. 00-C-054F. (Allied Universal Corporation)**
- 7.11
R-2000-26 **REVISING CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING THE CLASS SPECIFICATION FOR THE POSITION OF POOL LIFEGUARD IN THE FEDERATION OF PUBLIC EMPLOYEES BLUE COLLAR CLASSIFICATION PLAN.**
- 7.12
R-2000-27 **ZONING IN PROGRESS EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE PLANNING AND ZONING IN PROGRESS FOR LA(TXT) 99-4B, REQUESTING TO AMEND THE TOWN OF DAVIE COMPREHENSIVE PLAN FOR SPECIAL RESIDENTIAL FACILITIES FOR A PERIOD NOT TO EXCEED SIX MONTHS; PROVIDING FOR AN EFFECTIVE DATE.**
- 7.13
R-2000-28 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE ACCESS OPENINGS OF THE "COLLEGE AVENUE PLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 1-3-00, 6850 State Road 84)**
- 7.14
R-2000-29 **AMENDED LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A AMENDED LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA FOR A SITE LOCATED AT FLAMINGO ELEMENTARY SCHOOL; AND PROVIDING AN EFFECTIVE DATE.**
- 7.15 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE COLLECTION BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE FRATERNAL ORDER OF POLICE.**

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- 7.16 **PAY ADJUSTMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A COST OF LIVING ADJUSTMENT FOR NON-REPRESENTED AND NON-CLASSIFIED EMPLOYEES. (2.5%)**
R-2000-30

Site Plans

- 7.17 **SP 11-11-99, Davie Dealership Pointe West Center North, northeast corner of Weston Road and SW 36 Street (BP) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through three**
- 7.18 **SP 1-1-00, Nob Hill Village (Dry Cleaners), 1275 Nob Hill Road (B-3) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through six**

Site Plan Modification

- 7.19 **SP 1-9-00, Davie Town Center, 6851 Stirling Road (B-1, B-2, and R-2) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through five**

Councilmember Weiner requested that items 7.1 and 7.2 be removed from the Consent Agenda. Councilmember Paul requested that items 7.12, 7.17, and 7.18 be removed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve tonight's consent agenda minus items 7.1, 7.2, 7.12, 7.17 and 7.18. In a voice vote, all vote in favor. (Motion carried 5-0)

7.1 and 7.2 Councilmember Weiner questioned if Councilmember Paul had had the chance to review the minutes since she had requested a tabling at the last meeting. He indicated that he had a standing objection and requested verbatim minutes.

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

7.12 Councilmember Paul questioned if there was a zoning in progress in effect and how long it was going to be before Council was provided with the information. Mark Kutney, Director of Development Services, responded in the affirmative and added that the Comprehensive Plan Amendment had been submitted to Council. He noted that there was significant discussion regarding this item and outside consultants would be obtained to provide assistance.

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

Mayor Venis questioned when a workshop could be held to resolve this issue. Mr. Kutney suggested that the workshop be held within the next month.

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

7.17 Councilmember Paul questioned the rooftop parking relative to the site plan.

Bonnie Miskel, representing the applicant, noted that the rooftop parking would be designated for employee parking. She was under the impression that the parking would be for 21 spaces and would be screened. The front of the lot would be facing north and the visibility would be from Weston Road only. Ms. Miskel indicated that most of the drainage would be provided on-site; however, to the extent allowed, some drainage would be provided by mitigation.

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

7.18 Councilmember Paul questioned the traffic movement and generation.

An unidentified man noted that the points of ingress/egress were in front of the Burger King which was recorded in 1997 by a cross-parking agreement and there would be no additional points of ingress/egress. He indicated that the intensity for the 3,000 square-foot building was relatively low. With regard to the uses, the man stated that this use was less intensive than some of the other proposed uses. He commented that there were few dry cleaners in the Town featuring state-of-the-art equipment and advised that the cleaning would be done on-site. It was noted that the property had adequate parking.

Councilmember Paul expressed concern with regard to the ingress/egress being located through the Burger King site.

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

Ordinance - First Reading (Public Hearing to be held March 1, 2000)

8.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL ESTATE DISTRICT (COUNTY), A-5, AGRICULTURAL-EXCAVATION DISTRICT (COUNTY), M-3, GENERAL INDUSTRIAL DISTRICT (HACIENDA VILLAGE), AND M-4, LIMITED HEAVY INDUSTRIAL DISTRICT (COUNTY), TO TS, PLANNED TRUCK STOP DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-1-99, Davie Truck Stop, 4751 SW 30th Street)

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing would be held on March 1, 2000.

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

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

9. PUBLIC HEARINGS

Quasi Judicial Hearings

9.1 **REZONING** - ZB 12-3-99, Phoenix III Corporation/Speyer, 5401 SW 82 Avenue (from A-1 to RM-8) (tabled from February 2, 2000) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval subject to the declaration of restrictions*

Mr. Webber explained the rules concerning the presentation of evidence. Town Clerk Reinfeld swore in the witnesses. Jeff Katims, Planning and Zoning Manager, advised that his qualifications were on file in the Town Clerk's Office. He summarized the planning report.

Bill Laystrom, representing the petitioner, noted that this was a 10-acre elongated site running from Pine Island Road to SW 82 Avenue. He indicated that a concept for the property had been developed along with the neighboring uses. In review of the site, the intent was to provide a transition, therefore, the RM-8 designation was sought. Mr. Laystrom explained that a deed restriction was prepared so that the property would be restricted to 60 units with green space and the exit would be on Pine Island Road only. With regard to Pine Island Road, he advised that the road was recently rebuilt and expressed his belief that this was an "in-between" for single-family homes and multiple-family homes. The intent was to place the vehicle capacity on Pine Island Road and indicated that currently, Pine Island Road's capacity was for 35,000 trips with approximately 11,000 trips being generated today. The RM-6 designation would generate approximately 300 trips per day. Mr. Laystrom noted that a site plan had been developed and that the green area exceeded the requirements. With regard to the flex units, He commented that the filing fee was approximately \$3,800 and that it was costly for small developments.

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

Edna Moore indicated that she was the real estate agent for the property and provided a brief history. She explained that there had been a few contracts and referenced a previous town administrator's attempt to rezone the property which was denied by Council. Ms. Moore indicated that she was previously informed that the units would not be granted since the units were to be allocated to another project. She noted problems with vagrants and indicated that the property had been condemned twice by the County. She reiterated that the property owners had paid taxes and there had been several unfair situations placed on the property. Ms. Moore encouraged that Council approve the request.

Tom Truex, 4740 SW 72 Avenue, stated that a land use amendment requesting to increase the number of units to 10 was denied in March 1999 and encouraged Council to deny this application for the same reason. He expressed his belief that the flex units were an "evil concept" and felt that the super majority vote should be used for land use density matters. Mr. Truex noted staff's comments that the development would provide double traffic and double the student count. It was his belief that the development would have an adverse affect

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on the Town's tax base due to the amount of service required which exceeded the taxes being brought in. He disagreed with the transition statements provided by the applicant and that the University area was a separate, distinct area.

Mr. Laystrom submitted pictures of the property to Mr. Webber and advised that Mr. Kaposim had taken the pictures approximately two weeks ago. He stated that the picture denoted what the single-family property owners would be viewing and if there was a concern regarding a future developer, he suggested making the site plan a condition of the declaration of restrictions. The goal was to match the compatibility issues for both directions. Mr. Laystrom concurred that the property would be a transition down and felt that the issues had been addressed. He commented that the schools that would serve the property had adequate capacity available and pledged to provide information from the School Board if needed.

Mr. Webber stated that the hearing was concluded.

Mayor Venis questioned the status of the Davie Builders application. Mr. Kutney responded that the application would be submitted shortly since the plans needed to be revised. It was his belief that the plan called for approximately 42 units. Mr. Kutney noted that the request for reserve units had been dropped and that the proposed density concurred with the land use plan designation.

Councilmember Paul commented that the term single family attached gave an impression of the density. She felt that it was important that Council adhere to the Land Use and Comprehensive Plans and if the density were to be increased rather than using the flex units, than a land use plan amendment would be the most appropriate action.

Mayor Venis questioned whether the Davie Builders units would be attached. Mr. Kutney responded affirmatively.

Councilmember Cox questioned whether the property to the south was a single-family residence or a school. Mr. Kutney responded that it was a school that was zoned CF, however, the land use designation was not CF. Mr. Laystrom explained the history of flex units and indicated that the intent was to provide the flexibility to add approximately 2% of the units within the Town. He felt that this would be the appropriate use for the Town to allocate the units at its discretion. Mr. Laystrom commented that he intended to make the fight at the County level due to his belief that the proposed use was compatible with the surrounding uses, unlike the Davie Builders. He felt that the issue was one of compatibility and that the Davie Builders property was in the middle of the residential corridor; thus, the circumstances were different. Mr. Laystrom indicated that the County reviewed the uses with the compatibility of adjacent uses and the school.

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

- 9.2 **VARIANCE** - V 11-3-99, Glover/Andrx Corporation, 4955 Orange Drive (M-3) (to reduce the required parking from 802 parking spaces to 444 parking spaces) (tabled from February 2, 2000) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

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Town Clerk Reinfeld swore in the witnesses. Mr. Kutney advised that his qualifications were on file in the Town Clerk's Office and he had provided a copy of the planning report to the Town Clerk. He summarized the planning report.

Dick Coker, Juan Sanchez, and Randy Glover, were present. Mr. Coker provided a rendering of a floor plan for the second floor and referenced the area devoted to the mechanical/electrical equipment. He noted that the applicant had equipment that must be kept in cool spaces and for aesthetic purposes, the equipment was placed under the roof; therefore, there was 69,235 square feet of equipment. Mr. Coker believed that this area should not be counted as parking. Secondly, with respect to the particular use, there was a total of 450 employees at peak which was anticipated to be reached in the year 2010 with 150 employees working the night shift. Mr. Coker commented that in review of the visitor log, there had been no more than 14 individuals visiting in one day.

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

Mr. Webber stated that the hearing was concluded.

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

- 9.3 **VARIANCE - V 1-1-00, Zimmerman/Falls Executive Centre, LLC & Roho-Flamingo Ltd., 12401 Orange Drive (B-3) (to reduce the minimum required lot area from 43,560 square feet to 36,616 square feet; to reduce the minimum required lot depth from 250 feet to 190 feet; and to reduce the minimum required building separation from 30 feet to 26.41 feet in two locations and 26.79 feet in two separate locations) Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval subject to the side separation dealing only with the separation between buildings two and three, three and four, seven and eight, and eight and nine, respectively and the petitioner withdrawing those requests dealing with lot depth and lot area**

Town Clerk Reinfeld swore in the witnesses. Mr. Katims advised that a copy of the planning report had been provided to the Town Clerk and summarized the planning report.

It was noted that the petitioner was not present, therefore, the hearing could not proceed. Mr. Kutney advised that the petitioner was aware of the hearing due to several conversations regarding the petition.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table to the March 1, 2000 meeting. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 9.4 **SPECIAL PERMIT - SE 1-1-00, Margolis/Big Orange Development Ltd., 7911 Orange Drive (B-1)** (to occupy an existing residential dwelling unit for operation of a temporary commercial use on land designated commercial land use) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the voluntary stipulation that the access to the house would be on the east side, that the permit would be limited to 12 months and the additional conditions on the planning report*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney advised that a copy of the planning report had been provided to the Town Clerk and summarized the planning report. He clarified that the vehicular access would be from University Drive rather than Orange Drive.

Scott Kleinman, representing the petitioner, requested a longer permit period than 12 months; however, he noted that the opportunity to renew the permit at the end of 12 months was welcomed. He expressed concern with the stipulation regarding that contractor vehicles that were stored on site had to be out of visual site of all abutting rights-of-way. Because of the location of the house, Mr. Kleinman felt it would be virtually impossible to have a commercial vehicle on site and not visible from an abutting right-of-way. He noted that it was not the petitioner's intent to have numerous contractor vehicles on the property, however, in the event there were any vehicles, the applicant would like to be able to store the vehicles on the property and would do the best he could to move them away from the abutting rights-of-way. Mr. Kleinman requested that Council consider this matter and not require the second condition being imposed.

Councilmember Weiner questioned the height of the commercial vehicles. Mr. Kleinman was unsure of the height and expressed his belief that there would be no cranes stored on the property. It was his understanding that the vehicles would be similar to contractor trucks. Councilmember Weiner commented that he appreciated the applicant's dilemma; however, he understood the neighbor's objection to a bulldozer being stored on the location.

Councilmember Cox questioned whether the commercial vehicles would be working on site. Mr. Kleinman clarified that contractor vehicles for the most part would be general contractor vehicles. He felt it would be impractical to expect a crane to be disassembled at the end of the day and reassembled in the morning. Mr. Kleinman noted that the applicant was a contractor and might store his own vehicles on the property. Mr. Kutney explained that staff was unsure of the number of vehicles. He expressed concern with regard to this being a temporary use and whether the applicant envisioned numerous vehicles. Mr. Kutney suggested a limitation on the number of construction vehicles. Councilmember Cox concurred with Mr. Kleinman with regard to the vehicles not being seen. She felt the only alternative would be a petition Council to place a trailer for a construction office which would be more unsightly than the house.

Mayor Venis commented that the appearance of the house had improved. He noted that the equipment concern was when Mr. Margolis was when the property would be developed. Mayor Venis felt there would be some equipment on a site that would be developed. It was his belief that it would be reasonable to assume that some heavy equipment would be located on the site.

Mr. Kutney felt that staff could monitor the application and if there were a problem, staff could report to Council.

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Councilmember Paul expressed concern with regard to having equipment stored on the property from day one. Mr. Kleinman noted that it was not the applicant's intent to make the subject property a vehicle storage lot.

Mayor Venis noted that Mr. Margolis probably would use a crane on a rental basis and not pay to have it stored on his property. Councilmember Weiner suggested that the applicant provide a time frame so that the construction vehicles would not be stored for longer than a two-week period outside of the actual construction period. Councilmember Cox noted that she did not object to vehicles which were being used to help facilitate the development of the site. She objected to using equipment that would be extraneous to the site and used as a storage facility. Mr. Kutney suggested placing a limitation on the equipment to those activities on site which would be a workable compromise. Mr. Kleinman concurred and questioned how the equipment would be monitored. After discussion, Mr. Kleinman agreed to a three-week limitation.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve subject to the additional stipulations that the applicant agreed to at tonight's meeting. 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)

Councilmember Paul noted that she had spoken to Mr. Kalis regarding this matter. Councilmember Weiner noted that Mr. Kalis left a message; however, he did not call him back.

Items to be Withdrawn or Tabled

9.5 WITHDRAWN AT THE FEBRUARY 2, 2000 COUNCIL MEETING

Ordinance - Second and Final Reading

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. (tabled from January 5, 2000)

This item was withdrawn earlier in the meeting.

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9.6 STAFF REQUESTING A TABLING TO MARCH 15, 2000

Ordinance - Second and Final Reading

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 B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-1-99, Imagination Farms Commercial, 12401 Orange Drive)

This item was tabled earlier in the meeting.

9.7 PETITIONER REQUESTING A TABLING TO MARCH 15, 2000

REZONING - ZB 11-2-99, Hotel/Inn, 10220 State Road 84 (from A-1 to B-3) (tabled from February 2, 2000) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the stipulation of the list with those items scratched through being restricted*

This item was discussed and tabled earlier in the meeting.

9.8 PLANNING AND ZONING BOARD TABLED TO FEBRUARY 23, 2000; COUNCIL CAN TABLE TO MARCH 1, 2000

REZONING - ZB 1-1-00, Synalovski Gutierrez Architects, Inc./Morris, Jaffe at 595, Inc., EDJ Enterprises, Inc., and Edjeslan Enterprises, Inc., 10220 State Road 84 (from A-1 to B-3)

This item was tabled earlier in the meeting.

9.9 PLANNING AND ZONING BOARD TABLED TO FEBRUARY 23, 2000; COUNCIL CAN TABLE TO MARCH 1, 2000

REZONING - ZB 1-2-00, Value Dining, 4184 to 4190 South University Drive (from B-3 to B-2)

This item was tabled earlier in the meeting.

10. APPOINTMENTS

10.1 Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Bush) (appointments for a one year term and two year term) (terms expire December 2000)

Vice-Mayor Bush appointed Fernando DiBella and Gloria Imbruglia.

10.2 Citizen Assembly - Non-Homeowner Representatives (two exclusive appointments - Mayor Venis and Vice-Mayor Bush; one exclusive appointment - Councilmember Weiner)

Vice-Mayor Bush appointed Jim Mah and deferred his second appointment. Councilmember Weiner appointed Ed Matula. Mayor Venis indicated that he would defer his appointments to the next meeting.

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10.3 Fire Pension Board (John Earle as elected by the Fire Pension Board)

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

10.4 Police Pension Board (Don Barfield as elected by the Police Pension Board)

Councilmember Weiner made a motion, seconded by Councilmember Paul, to appoint Don Barfield. 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)

10.5 Parks and Recreation Advisory Board (exclusive appointment - Vice-Mayor Bush; term expires August 2000)

Vice-Mayor Bush appointed Stuart Weinstein.

Councilmember Paul appointed Mike Bender to the Davie Water Advisory Board to fill the vacancy created by Mr. Davis' resignation.

11. OLD BUSINESS

11.1 Joint Powers Agreement (Councilmember Weiner)

Councilmember Weiner referred to the Joint Powers Agreement (JPA) that was entered into with the County. He noted that after many workshops, Council had approved the agreement and an amendment to the agreement. Councilmember Weiner explained that the agreement called for a termination date effective September 30th, unless the parties agreed to a one-year extension. A meeting was conducted in Mr. Middaugh's office in which Mr. Rawls, Deputy Fire Chief DePaola, County Fire Rescue Chief Lorenzo, Rick Earle from Broward County Fire Rescue, another gentleman and himself were in attendance. Councilmember Weiner felt the presentation provided was interesting.

Mr. Middaugh referenced materials that were distributed to Council and added that in the report provided by the County, there was a statistical summary of the events that had transpired during the time in which the JPA had been operating. He discussed the analysis provided by staff and noted that there was an agreement that times were different than when the JPA was started and that it was time for review. There seemed to be a disagreement relative to when to terminate the JPA, the cost and the risks involved and Mr. Middaugh indicated that generally, the JPA had performed what Council had intended. There seemed to be an agreement that good service was provided, there was no imbalance with regard to the call load, the Town received some savings and the Town was able to move more quickly into a full EMS delivery system. Mr. Middaugh noted the following differences from when the initial JPA discussions occurred: 1) areas were being annexed or incorporated; 2) the trend that the County was losing service territories to municipalities, yet the costs for services had not decreased; and 3) the Southwest Ranches and Pine Island Ridge areas would decide whether to become a part of the Davie or Pembroke Pines.

Mr. Middaugh explained each option that Council could consider 1) renew the JPA; 2) discontinue the JPA which would require equipment and personnel; 3) continue the JPA on a partial basis to the Southwest Ranches area, assuming that an interest was shown; and 4)

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consider a relationship with Pembroke Pines to enter into a service contract and offer a proposal for the Ranches area. Mr. Middaugh noted the possibility of expanding the relationship with other municipalities and the budgetary impact of each decision. It was his belief that the decision that was made should provide for several contingencies.

Councilmember Cox questioned the cost to upgrade to the 400 mhz system. Mr. Middaugh explained that he was unsure of the cost and noted that Pembroke Pines had built excess capacity in anticipation of other municipalities becoming part of its dispatch system. Furthermore, engineering and system drawings would have to be reviewed to ensure adequate coverage throughout the Town. Mr. Middaugh provided an overview of the offer that Pembroke Pines made to Miramar.

Mayor Venis questioned how the \$60,000 transport revenue was arrived on the cost analysis. Mr. Middaugh responded that the intent was to provide a fair estimate for new transport revenues that would be generated by putting the Town's Station 91 unit online. He advised that on the cost analysis, the 12 represents the number of people to hire for a rescue unit with 21 representing full staffing for both units and Column B represented the incremental costs to begin operating by the next fiscal year. Mayor Venis questioned whether the manned stations at the Flamingo Road and Ivanhoe Fire Stations would generate more revenue than \$60,000. Mr. Middaugh responded negatively and clarified the figures being discussed were in addition to the current revenues. The Pine Island Ridge station was not counted in any estimates.

Councilmember Cox questioned the reality of the County allowing the Town to take over the Pine Island Ridge rescue. Mr. Middaugh responded that he did not believe that they would and felt that it would be a good economic decision.

Councilmember Weiner expressed his desire to see a single-tier system in the Town and felt that life safety was the most important service that could be provided to the residents. It was his belief that the JPA should cease and give staff the opportunity.

Councilmember Paul stated that the JPA was a temporary decision until staff could completely come on-line and felt that staff should move ahead while reviewing the fiscal impact to offer the service to residents. She requested that staff review removing the "platform" as there may be electrical problems and how long equipment "was in repair." Mr. Middaugh advised that the goal for the platform was off line on a temporary basis and it was not a long term goal to "have it be gone" or ultimately replaced. He explained that taking the platform off-line was a means to lessen the initial implementation expense and in less than a year, it would be known what was happening with Pine Island and Southwest Ranches. Mr. Middaugh felt the time for potential exposure for additional expenses and not a lot of revenue, would be approximately this one year period.

Councilmember Paul questioned the time element to begin the hiring process, the initial hiring at the "12 level", phasing in additional employees once the service area was increased and the time frame for a decision. Mr. Middaugh stated that the hiring process could be shortened and stated that several possibilities included: 1) shortening the process with time for training and adaptation time; 2) waiving written tests for certified firefighters or firefighters working for the County; and 3) making an invitation to the firefighters working for the County to "come over to the Town" so as not to have anyone displaced by changes the Town made. He noted that the time frame for a decision would have to be made within the next few weeks and pledged to meet with the County regarding Pine Island Ridge.

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Mayor Venis ask Mr. Middaugh if he would be meeting with the County on Pine Island Ridge. Mr. Middaugh responded in the affirmative.

Vice-Mayor Bush asked that Mr. Middaugh speak with the County on what it had to offer the Town. He felt there was a fiscal responsibility to offer the best service, along with the least cost and there should be a comparison.

Councilmember Cox felt the incorporation issue for the Ranches should be reviewed. It was her belief that they would vote to become a city and that there was a lot of discussion regarding becoming a volunteer department. Councilmember Cox felt that this would have an impact on the Town and what the revenues would be from Station 91. She expressed her belief that the Town was moving towards establishing its own system and she felt that how the JPA was proposed to be overseen was always problematical. Councilmember Cox advised that she was never comfortable with regard to the control of the JPA. She noted that there were a number of unanswered questions and expressed her desire to see what the Ranches would do.

Mayor Venis commented that at a previous meeting, the 12 paramedics were discussed and revenue from Pine Island Ridge would cover the costs involved.

Councilmember Cox noted that if the Town were to take back Station 91 and discontinue the JPA, that would be a negative cash flow which did not currently exist. Even though she believed that the Town should move forward with its own system, the Town should move forward cautiously and should be relatively comfortable knowing what kind of revenues were being received from the different areas. Councilmember Cox indicated that she would like more time to review the situation.

Councilmember Weiner appreciated Councilmember Cox's concerns and noted that in previous discussions, he had advised that the Town would have to hire additional staff. He commented that there would be a negative cash flow no matter what was done with fire/rescue in terms of transport revenue versus labor and capital costs. Councilmember Weiner felt that this issue was not about breaking even and running a for-profit business, but providing the residents with fire and safety services that were paid for by the tax dollars. He concurred with Councilmember Cox to defer this issue until March so that additional information could be provided.

Mayor Venis suggested that Mr. Middaugh meet with the County and then provide Council with the anticipated revenues and some different scenarios at the March 1st meeting. Mr. Middaugh indicated that he would follow up with Pembroke Pines regarding the emergency system and to discuss possible contractual relationships. Mayor Venis commented that the Town was large and would have to move forward in providing services. He felt that the Town should be prepared to come on line with Pine Island Ridge and other possible annexations if required.

Councilmember Paul noted several conversations from residents who were anxious for the Town to move forward to a complete single-tier system. Many residents had expressed the need to have the Town covered by its own firefighters which was a promise made when the Town moved from a private company. Councilmember Paul felt that a number of residents had indicated that they would incur an extra expense for this system.

Councilmember Cox commented that part of the discussion should be whether it was a little expense or a large expense. She concurred with Councilmember Weiner in that the Town should take over the entire system, but sometimes disagreed on how rapidly this

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should be done and the cost effectiveness. Councilmember Cox felt that all of the options should be reviewed and the transition should be made in a way that was financial appropriate.

Councilmember Weiner asked that this issue be discussed at the next meeting.

11.2 Super Majority Vote for Land Use Changes (Councilmember Paul)

Councilmember Paul noted that this was a concept in which four votes would be required for any land use change. She felt that this could be enacted when there was a 50% or more objection from adjoining property owners was received. Councilmember Paul referenced a situation in tonight's meeting in which there was no adjoining property owners; however, there was a significant resident participation. She stated that there was only so much land left and that the planning and uses were important. Councilmember Paul expressed her belief that this type of belief should be made to the residents and the remaining land. She referenced a survey in which the number one answer was that development was a significant problem in the Town. She requested this item be placed on the April 5th meeting agenda.

Councilmember Weiner questioned whether this vote was specifically for land use plan amendments and not rezonings or variances. Councilmember Paul clarified that she was referring to comprehensive land use amendments. Councilmember Weiner explained that he was not thoroughly opposed to the concept; however, he was when rezonings were discussed.

Councilmember Weiner questioned if this type of vote would require a Charter change. Mr. Webber advised that he did not believe a change would be required, but he would review it. Councilmember Cox indicated that she thought a change would be needed since an ordinance could change it back to a three-two vote.

Mayor Venis questioned whether there was any research on what other municipalities had done. Mr. Kutney responded that he found that Gainesville had conducted one. Mayor Venis directed Mr. Kutney to review what Miami Beach had done.

Councilmember Cox expressed concern with regard to the vote being required for variances and rezonings. She felt the Burt Harris Act might "kick in" and people would be deprived of their property rights.

Mayor Venis noted that he did not object to a super majority vote being required for the land use plan amendment.

Councilmember Weiner requested that this issue be deferred until an amendment to the Charter could be done. Mr. Webber noted that a vote could be increased without a Charter amendment; however, it could be placed in the Charter subject to referendum. Councilmember Paul questioned whether this could be enacted until such time the residents could vote on this issue. Mr. Webber responded affirmatively as long as it was not inconsistent with the Charter.

It was the consensus to prepare an ordinance in the interim until this matter could be placed on the ballot.

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11.3 Agrarian and Agriculture Policies (Mayor Venis)

Mayor Venis noted that he had met with Julie Aiken regarding the policies and indicated that there was an inconsistency with State law and the Town's ordinances. In 1996, the former Development Services Director had made some recommendations for changes and requested that a workshop be scheduled to discuss this matter.

12. NEW BUSINESS

12.1 Reschedule April 19, 2000 Council Meeting to April 18, 2000 Due to Religious Holiday

Councilmember Paul made a motion, seconded by Vice-Mayor Bush, to reschedule the meeting to April 18, 2000. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Cox asked that Mr. Webber review whether the Town could allow the Town's police officers to live on the open space sites instead of a Broward Sheriff's Deputy. Town Clerk Reinfeld responded that when staff had explored this concept, she believed they was a Fair Labor Standards Act problem because the Town would be required to pay overtime. Councilmember Cox asked that additional information be provided to her.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:02 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk