

**TOWN COUNCIL  
REGULAR MEETING  
MAY 3, 2000**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:01 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

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

**3. OPEN PUBLIC MEETING**

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

Susan Palumbo, 2261 SW 87 Avenue, requested that SW 86 Avenue, located in Park City Estates Mobile Home Park, be renamed "Walter Neil Way." She spoke of Mr. Neil's contributions and accomplishments, provided a petition signed by over 500 Park City residents, and submitted a letter from the president of the homeowner's association in support of this petition.

Kathleen Morrison spoke of an ongoing problem involving 7-11 at Pine Island Plaza. She referenced a non-compliance hearing before the Special Master which had been held March 14, 2000. Ms. Morrison indicated that the violations, such as the dumpster enclosure, had not been rectified to date. She maintained that this matter had caused her to move and that the market value for her home had been drastically reduced because 7-11 had not complied in correcting two violations. Ms. Morrison spoke of her dissatisfaction with the lack of action taken in this matter by the Town and Code Compliance Official Daniel Stallone. She explained that this had caused a tremendous emotional stress and had "financially strapped us." Ms. Morrison inquired as to when she could expect that the Town would force 7-11 to comply.

Mayor Venis questioned Mr. Middaugh on the status of this situation. Mr. Middaugh advised that while a significant amount of time had been spent to resolve this issue by the Special Master and Code Compliance Division, success had not been achieved. He indicated that he had prepared a definitive list of what could and could not be done regarding citable violations for Ms. Morrison's and Mr. Bennett's information. Mayor Venis suggested that Ms. Morrison meet with Mr. Rawls the next day to go over the list to determine what could be done in this matter. She responded affirmatively.

Jack Curtis, Media Specialist for the 2000 census, congratulated the Town on its "mail-back" response to the Census campaign which equaled the nation at 65%. He indicated that the Town was one of six Broward County municipalities to post a net gain in responses since the 1990 census. Mr. Curtis advised that his organization would be working until the middle of June in an effort to reach the remaining 35% of households which had not yet responded. He reminded residents how important the Census information was in order for the Town to receive its fair share of State and federal dollars. Mr. Curtis provided a phone number for people to call if they did not send in their forms and knew that they would be out of town for the census taker during the non-responsive follow-up, door-to-door campaign.

Dean Alexander, 13820 SW 16 Street, spoke of the ongoing investigation on charges made against the Town's Fire Department administration. He expressed his concern on the length of time these proceedings have taken and that it had the potential to distract the

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Town's firefighters. Mr. Alexander stated that while he believed a prompt resolution was important, equally important was that the investigation be scrupulously followed in order to arrive at a just conclusion.

Mike Bender, 14800 SW 31 Court, inquired whether or not Mr. Middaugh could confirm that a super WalMart was to be the proposed 250,000 square foot building located on the 60 acres of commercial property belonging to Mr. Zimmerman. Mr. Middaugh responded that absent of official confirmation, he had heard the same rumor. Mr. Bender read a prepared statement asserting that the residents of Oak Hill and Imagination Farms had been the subjects of a "political rope-a-dope" regarding the development of this property. He spoke of his anger, dismay and despair regarding alleged tactics used by the developer and staff to allow the property to be used as a "vast commercial dumping ground." Mr. Bender vowed that fellow residents would attend the Planning and Zoning Board meeting of May 24th and the Council meeting of June 7th, and were prepared to do battle in opposition of this development. He advised that a special meeting was scheduled for May 11th, to inform Imagination Farms and Oak Hill residents on what they would be facing in their own backyards.

Bruce Novak, 4262 SW 78 Drive, provided information regarding the disadvantages of the truck stop development. He spoke of the potential for contamination of the soil, lake, and water system due to the presence of hazardous materials.

Raul Bosque, 14801 SW 31 Court, referenced a staff report presented at the April 5th Council meeting which regarded the proposed 250,000 square foot building. His first question was, how staff was able to calculate the "number of trips" indicated in the report without first knowing the intended use for the building; and secondly, how did staff determined what was "compatible" with the community. Mr. Middaugh replied that he could not respond to specifics as the report was completed by staff and not himself; however, the number of trips were calculated by using "retail" purposes for the proposed building which was generally applied for commercial use. Mr. Middaugh offered to provide Mr. Bosque with the data which indicated the criteria used to determine the number of trips as found in the report. As to Mr. Bosque's second question regarding "compatible use" and whether or not the residents had been canvassed, Mr. Middaugh responded that there had not been public hearings at this point; however, it would come up as part of the process.

Tom Truex, 4740 SW 72 Avenue, thanked Council for its fundraising efforts to help provide an outdoor shelter at Davie Elementary. He asked Council to encourage the School Board to complete this project for the benefit of attending students. Mayor Venis advised that the School Board had been contacted and that a presentation on the shelter would be forthcoming.

Sandra Switzer, 13510 SW 29 Street, spoke of her observations on the negativity which was repeatedly being expounded by the same individuals and directed towards the proposed 142 Avenue horse trail. She acknowledged that objective criticism was healthy; however, she stated that always being negative and looking for things to be negative about, was destructive in the extreme. Ms. Switzer stated her opinion which was that civic-minded people involved in public issues should take a positive approach and work to make things better.

Lisa Edmondson, 4311 SW 93 Avenue, stated that she had been dubbed "Sister of Satan" by an "asinine person," and in that spirit, she presented Councilmember Cox a t-shirt stating "Sister Number One." Ms. Edmondson indicated that the t-shirt served as a reminder that one of the best things they had done around here was to help those folks show

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themselves for the fools they really were. She explained that in her efforts to make the Town a better place by working hard on boards such as Parks and Recreation, Open Space, and fundraisers, she had been publicly insulted and rudely treated by persons to whom she had not given a second thought. Ms. Edmondson publicly expressed her sorrow for having been involved in the \$8,000,000 park bond issue although 67% of the Town's residents had voted for it. She explained that she regretted the division it had caused between almost every neighborhood that had planned improvements. Ms. Edmondson indicated that the Potter Park situation could have been handled differently if everyone would have pulled together to correct an unfortunate situation instead of the politics which had made enemies between people who wanted to work toward the same goal but were kept apart and divided with malevolence by self-serving politicians. Ms. Edmondson used the metaphor that there were "rats" among Councilmembers and she predicted that there would be a day when they would prey upon each other. Ms. Edmondson shared an old saying: "You can add all the apple butter you want to manure and not change it, but you can't add one drop of manure to apple butter without completely ruining it." She stated that what we had here was a lot of manure in the apple butter. Ms. Edmondson indicated that she suspected Councilmember Clark had apple butter in her soul but had been splattered with the manure of politicians around her. She invited Councilmember Clark to visit with those who care so much about the Town that it was breaking their hearts to see what was happening here.

**4. PRESENTATIONS**

**4.1 Kenneth Brown**

Kenneth Brown was presented with a Certificate of Valor in recognition for his act of bravery in rescuing a six-year-old boy from a canal.

**4.2 Davie/Cooper City Chamber of Commerce**

Arlene Broleman, representing the Chamber, presented a plaque and thanked the Town for its support in making the Orange Blossom Parade and Home Town Barbecue a tremendous success. She also recognized the efforts and support given by Special Projects Coordinator Bonnie Stafiej.

**4.3 Community Redevelopment Agency**

Neal Kalis, Chair, updated Council on the Agency's efforts.

**4.4 Pine Island Park Update**

Assistant Town Administrator Robert Rawls explained that due to the magnitude of the project, it had been divided into three major elements. He advised that the first element, underground work consisting of water and sewer, drainage of stormwater, and site work, was under contract and well underway with all the necessary documents having been submitted.

Mr. Rawls apprised of a situation which had occurred regarding a determination made by the South Florida Water Management District (SFWMD) in finding that there were jurisdictional wetlands on the site. He had met with officials to personally survey the site and after considering the history of the site and its intended use, SFWMD had reconsidered and agreed that there were not jurisdictional wetlands.

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Mr. Rawls explained the other two elements of the project and provided an update on those segments. He advised that he anticipated being under budget and that contracts would come before Council for approval upon completion of the bidding process.

**4.5 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej**

Sharon Pierce-Kent, Parks and Recreation Director, announced that upcoming events included: registration for summer recreational programs Summer Daze at various sites (ages 6 through 12); Pine Island Adventure Camp (June 19th - August 11th); a summer teen program at Indian Ridge Middle School; a junior lifeguard training camp; "Frank Sinatra" May 16th; and on-site registration would be held for tackle football, tackle cheerleading, flag football, flag cheerleading, and youth basketball programs.

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: dog obedience trials (May 6th and 7th); Family Bike Rally and Festival (May 13th); Indian Ridge Middle School Wrestling fundraiser (May 20th); Five Star Rodeo weekend (May 26th - 27th); and Boy Scouts Memorial Day events (May 28th - 29th).

**4.6 Christopher and Kristine Hinkle**

Fire Chief Michael Donati presented Certificates of Appreciation to Christopher and Kristine Hinkle for their heroic efforts in saving the lives of two children who were in a car which went into a canal.

Chief Donati announced that the kickoff for the Smoke Detector Program in Park City East was scheduled for May 6th.

**4.7 EASE/Project Stable, Horse Show**

Joy Yoder introduced Sheldon McCartney from Project Stable. Mr. McCartney thanked Mayor Venis, Councilmembers Cox, Clark, and Paul for their efforts on the fundraiser for EASE and Project Stable. He presented a plaque to Councilmember Paul who was instrumental in organizing the event.

Mayor Venis announced that item 8.17 was withdrawn by staff and that a resolution, would be added as item 13.1. Mr. Middaugh requested that item 8.17 be tabled rather than withdrawn as the development representative had indicated that they were in concurrence with a two week tabling.

Mayor Venis asked for a motion to table to May 17. Councilmember Paul so moved, seconded by Councilmember Paul. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. MAYOR/COUNCILMEMBERS COMMENTS**

**MAYOR VENIS**

**HAWKES BLUFF ELEMENTARY SCHOOL CARNIVAL.** Mayor Venis mentioned that he attended a family festival day which was a fundraiser at Hawkes Bluff Elementary. He stated that there were several activities going on and although it was a hot day, Vice-Mayor Weiner kept cool by volunteering to be in the dunk tank.

**LOWES HOME IMPROVEMENT CENTER.** Mayor Venis indicated that he was unable to attend the ribbon cutting ceremony today and asked that Mr. Rawls review the commitment

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made by that developer for certain amenities. He indicated that the residents of Waverly Hundred pointed out that some issues were promised and he would like to see that they were delivered.

**FENCING AND LANDSCAPING ALONG I-75 CORRIDOR.** Mayor Venis requested that Mr. Rawls update the Council on what the Department of Transportation was proposing for that corridor.

**LEFT TURN ARROW AT 36 COURT.** Mayor Venis requested an update on this issue. Mr. Rawls reported that the Florida Department of Transportation (FDOT) had confirmed that the project was being completed under a construction agreement with Broward County. He stated that although he had not received a schedule commitment, FDOT was standing by its original commitment to the Town to have it completed in six weeks time.

**GUARDRAIL AT 36 COURT.** Mayor Venis inquired on the time frame for the installation of the guardrail. Mr. Rawls indicated that this was an in house project which was scheduled to begin next week and should be completed within a two-week interval.

**APPALACHIAN TRAIL AND 136 AVENUE.** Mayor Venis suggested that a crosswalk button be installed at that intersection for students since that location had become congested with traffic. He stated that in the past, the crosswalk had been denied; however, when students left the school after school hours, the crossing guards were gone, and he felt this would be helpful.

**USA WASTE.** Mayor Venis requested that the contract be reviewed to see if there was a provision for a suspension of service and charges for those residents who did not occupy their homes for an interval of time during the year. He indicated that this was a policy established by

Waste Management and felt that it should be encouraged. Mr. Rawls advised that he and Mr. Middaugh were reviewing the provisions of the contract and that they intended to meet with USA Waste to discuss this issue.

**FIREFIGHTERS CONTRACT.** Mayor Venis inquired on the status of this contract. Mr. Middaugh advised that this was a priority and that he would be in contact with Mr. Bunce to resolve it. Mr. Middaugh agreed with Mayor Venis that another executive session to discuss this issue was not necessary as he had been given specific direction to proceed forward.

**PLEDGEFORCIVILITY.** Mayor Venis displayed a plaque and proclamation he had received from the Florida Bar, City and County Local Government Law. The proclamation contained a pledge for civility which stated that "we will be respectful of one another even when we disagree - we will direct all comments to the issues - we will avoid personal attacks." Mayor Venis suggested that the proclamation be added to the next agenda.

**COUNCILMEMBER CLARK**

**SILVER OAKS NEWS ARTICLE.** Councilmember Clark indicated that she was dismayed by the article and indicated that she had conflicting reports from tenants. She stated that it was important to hear both sides and she would be attending the tenants association meeting on May 18th to offer her help as a representative of the Town and as a neighbor. Councilmember Clark acknowledged the efforts of tenants association president Mrs. Richardson and some of the positive programs and improvements that have been made in Silver Oakes.

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**POTTER PARK REDEVELOPMENT.** Councilmember Clark mentioned that the condition of Potter Park had improved and inquired on the status of securing funds for the redevelopment of the park.

**SHUTTLE SERVICE.** Councilmember Clark mentioned that staff was working on a proposal for shuttle service and that she would like to see that proposal soon as it was an important issue.

**INTERNATIONAL DEMOLITION SALVAGE.** Councilmember Clark indicated that she was pleased to receive a report from Development Services on this subject and requested that she be updated in order to correct this hazardous condition.

**EVERGLADES MOBILE HOME PARK.** Councilmember Clark stated that she had received a report on the noise and contamination complaints that the residents of Everglades Mobile Home Park had and that according to the report, the residents had seen some changes. She requested that Development Services keep her abreast of what was happening in this area.

**FIREFIGHTERS CONTRACT.** Councilmember Clark agreed with Mayor Venis and encouraged that a quick resolution be reached.

**KIDS VOTING.** Councilmember Clark distributed information on "kids voting" and requested that this subject be added to the next agenda for Council's consideration and discussion.

**CPR AT GRIFFIN GARDENS.** Councilmember Clark asked Fire Chief Michael Donati if the residents of Griffin Gardens had signed up for a class to learn CPR. Chief Donati indicated that approximately nine people had signed up for the course and that the Fire Department's Training Officer would coordinate the classes.

**INVESTIGATION.** Councilmember Clark stated that she was hopeful that Mr. Middaugh would be reporting something sincere regarding a conclusion to his investigation of the firefighters.

**CROSSING GUARD.** Councilmember Clark thanked Police Chief John George for his quick response to her concerns regarding a crossing guard at the intersection of 64th Avenue and Griffin Road and Orange Drive. It was determined that a crossing guard was to be assigned to that location.

**PUBLIC NOTICE SIGNS.** Councilmember Clark inquired of Mr. Middaugh why the public notice signs on the Zimmerman property had not been changed. Mr. Middaugh responded that he would make sure that the signs were changed.

**SPEED HUMPS.** Councilmember Clark indicated that she had received copies of correspondence and a memo approving the installation of speed humps on 57th Avenue and 57th Terrace and signage for the park, which were sorely needed. She inquired of when these items would be implemented. Mr. Rawls responded that it would be approximately two months.

**COOPER CITY ANNIVERSARY PARADE.** Councilmember Clark thanked the city for inviting her to the celebration parade and stated she had a wonderful time. She congratulated the Setherley Family on receiving an award for their dedication and service to the Jewish Community Center.

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**COUNCILMEMBER COX**

**EASTER EGG HUNT.** Councilmember Cox congratulated Ms. Stafiej and staff and the Police and Fire Departments on the success of the Easter Egg Hunt held at Robbins Lodge. She estimated that well over 1,000 children participated in the event and that all involved had a good time.

**OLD DAVIE SCHOOL.** Councilmember Cox advised that the building which obscured the school had been demolished and the school could be seen from Griffin Road. She indicated that 12 years after starting this project, the buildings were finally being removed.

**HAWKES BLUFF ELEMENTARY SCHOOL CARNIVAL.** Councilmember Cox congratulated Hawkes Bluff Elementary School on their successful carnival which was fun and well attended.

**CRYSTAL LAKE.** Councilmember Cox referenced a letter Council had received from Mrs. Gilmartin regarding Crystal Lake which was located near Stirling Road and the Florida Turnpike. She explained a concept for the Town to lease property from the FDOT for a nominal fee in order to join the two lakes, have local control of the site, and "marry" the two lakes into the wetland site thereby making the wetlands much more viable. Using a color coordinated map for clarification, Councilmember Cox pointed out the areas of concern and requested permission from Council to negotiate a lease with FDOT and meet with surrounding residents on this matter.

Mayor Venis questioned what the monetary arrangement would be with FDOT. Councilmember Cox recalled that it was reasonable. Mr. Rawls interjected that it was basically a token amount sufficient to suffice as a contract at about \$100 to \$1,000 annually. He stated that it was not a market value for a lease hold. Mr. Rawls explained that initially, the Town considered acquiring the site as an open space preserve; however, the Town and FDOT were several hundred thousand dollars apart in perceived value and could not come to a purchase agreement. He stated that the only viable option was to lease the property and not make large capital investments on the site. Mr. Rawls supposed that a lease of 10, 20, or 25 years was probable.

Mayor Venis indicated that he would prefer a lease in the 20 to 30 year range. He asked if there had been a lease arrangement made years ago. Councilmember Cox explained that FDOT had changed its policy and put its properties on the market for sale. She supposed that if a lease agreement existed, down the road, the Town may be able to purchase the property through other means such as grants for the wetlands preserve. Councilmember Cox stated that the property had been problematical for FDOT and she felt that if the Town took control of it, it would be a benefit to the neighborhood and the environmental issues that were involved.

Vice-Mayor Weiner inquired on exploring a lease option to purchase. Mr. Rawls explained that since there was such a large disparity between the Town and FDOT on the market value of the property, it would not be financially beneficial to consider purchasing at this point as the purchase price may not be of value to the Town whereas the lease was below market value. Councilmember Cox indicated that "by getting our foot in the door," the property could be used as an open space site, create environmental issues by marrying it to the wetlands site, and then explore other political plans to acquire the site in some other way rather than purchasing it outright at an over valued price. She further expounded that if a plan was established and the neighbors were on the same page, down the line other means of acquisition could be discussed with FDOT and State legislators.

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Councilmember Paul stated that she had discussed this proposal with Mr. Rawls and acknowledged that she "was on the same page." Mayor Venis agreed that he had no problem with this concept.

Councilmember Clark inquired if Mr. Rawls would inform the Gilmartins that Council was working on a solution to their concerns. Councilmember Cox responded that she had contacted the Gilmartins to let them know that this issue would be considered by Council.

Mr. Rawls summarized the negotiations which had transpired between FDOT and the Town and indicated that the State had conceded that this "gold mine" was non-existent in the marketplace today and that because of constraints on them based on appraisals, its hands were tied and it could not market the property to the Town. He stated that the only option that the State had available was the lease arrangement. Mr. Rawls indicated that if Council felt it was worth pursuing and he was given direction, he would hammer out the ideas shared tonight and bring back formal proposals while at the same time, sit down with the community to get their ideas and see if they felt this was something that suited their community.

Mayor Venis affirmed that Mr. Rawls had direction from him and Councilmember Clark interjected "yes." He suggested that if a 30 year lease was negotiated, he would not want DOT to be able to break the lease in five years, should it get a "hot buyer" for that property. Mr. Rawls responded that he appreciated the Mayor's sentiments and that he would do his best to bring back a contract of that nature. He supposed that the Town's concept of open space preserve would sit better politically with State legislators and the community rather than a commercial venture would.

**VICE-MAYOR WEINER**

**LOWES HOME IMPROVEMENT CENTER.** Vice-Mayor Weiner thanked the management and staff at Lowes for their reception of Council at the grand opening and commented that he had a great time. He welcomed the new member into the commercial community and suggested that people stop by to see what a great store it was.

**HAWKES BLUFF ELEMENTARY SCHOOL CARNIVAL.** Vice-Mayor Weiner stated that he got wet by volunteering for the dunk tank at the carnival. He stated that he was pleased to keep cool and to help out for the children.

**DRAINAGE STUDY.** Vice-Mayor Weiner inquired if there was progress with other governmental agencies regarding the selection of an engineering firm to conduct a drainage study. Mr. Rawls reported that the Town had engaged the firm of Craven/Thompson which had been affirmed by the Central Broward Water Control District at its last meeting. He said that Craven/Thompson agreed to expedite a study within the time frame issued. Vice-Mayor Weiner asked if the Town was working on some of the "minor patches" that had been discussed. Mr. Rawls responded affirmatively stating the areas where projects had been completed, which were presently being worked on, and which areas were next. He indicated that after Hurricane Irene, the Town was allocated reimbursement funds from FEMA and until there was clear direction on where the Town was going on drainage, those funds had not been implemented; however, that would change now and he could move forward with those small paving projects.

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**HURRICANE PROVISIONS FOR HORSES.** Vice-Mayor Weiner requested that in the near future, Council discuss identifying where the horses were located within the community in an effort to know what provisions to make for them and where they could go when a storm approached.

**HAPPY BIRTHDAY.** Vice-Mayor Weiner wished his daughter, Josalyn, a happy birthday since she was going to be eight years old between this meeting and the next.

**PROFOUND SAYING.** Vice-Mayor Weiner spoke of an interesting point of view shared by commissioners in Decob County, Georgia, where they were progressing with technology. He stated that their reasoning was that a municipality needed to progress, and needed to take care of the needs of the community which was always evolving. Vice-Mayor Weiner indicated that whether it was technology or the approach taken in dealing with the public, it needed to change. He quoted a phrase of one of the commissioners stating "If status quo doesn't become status go, then status quo should be status gone." He stated that he welcomed the opinions of residents and that changes were in order.

**COUNCILMEMBER PAUL**

**CONGRATULATIONS.** Councilmember Paul congratulated the students from Davie Elementary School on their DARE graduation. She indicated that Officer Brad Tyler should be commended on the great job that was done with his first graduating class.

**HAWKES BLUFF ELEMENTARY SCHOOL CARNIVAL.** Councilmember Paul indicated that she too had a great time and spoke of her observations of a little boy who tried to dunk Vice-Mayor Weiner into the water. When he kept missing the spot with the balls, he ran up and slammed it with his hand.

**MOVING VIETNAM WALL.** Councilmember Paul stated that she was able to attend the ceremonies for the Moving Vietnam Wall which was an outstanding experience. She was proud to have met and shaken hands with one of the Tuskegee Airmen and some of the nurses who had served so gallantly. Councilmember Paul hoped that the Town would accommodate the tour if it came back this way sometime in the future.

**SUPERMAJORITY.** Councilmember Paul indicated her pleasure that this issue was passed as an ordinance until such time as a referendum could make it a part of the Charter. She indicated that she would like to move forward on that aspect to arrange that it be on the November ballot.

**CRITERIA FOR DONATIONS.** Councilmember Paul stated that she took the liberty of establishing some questions and some basis for criteria for donations which Council had been approached with from time to time. She provided Mr. Middaugh with a written copy and asked that he place the item on the next agenda for discussion.

**ONE HOME PER ACRE.** Councilmember Paul indicated that she would like changes made in the Code in order that "one home per acre" was truly on an acre and not a builder's acre of 35,000 square feet.

**RURAL ACRES CATEGORY.** Councilmember Paul stated that she would like to work with Development Services Director Mark Kutney on clarifying the concept of the rural ranches category of one home per two-and-a-half acres, as people were confused about this.

**TRAFFICWAYS.** Councilmember Paul indicated that after much discussion with residents, she was going to request that the Town move forward with taking the rest of Orange Drive, from Davie Road to 154 Avenue off the trafficways. She stated that she would also like to

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take Shotgun Road, off all the way to 14 Street. Councilmember Paul expressed that the widening of of Griffin Road to Bonaventure Boulevard should be sufficient to handle the traffic needs.

**PRESERVING WILDLIFE.** Councilmember Paul advised that Broward County Commissioner Lori Nance Parrish had worked with the Florida Fish and Wildlife Commission to successfully pass legislature which made it unlawful to poach soft-shelled turtles and turtle eggs in the wild from May 1st through May 31st. She stated that this was a significant effort to manage the conservation of wildlife.

**RODEO ARENA.** Councilmember Paul referenced a letter she had received from Rose Anderson, which was one among several letters regarding the Bergeron Rodeo Arena and the history of its founders. She provided a history of the development of the arena and explained how the purchase of the Huck Liles property resulted in the name change. In order to attempt to recognize the individuals who had worked diligently for the establishment of the arena and to mend a rift which had developed, and if it was not a violation of the agreement, Councilmember Paul proposed that signage be placed at the south end of the arena which would read something like - "Welcome to the Davie Rodeo Arena located at the Bergeron Rodeo Grounds and dedicated in 1995 to Claude A. Tindel." She requested that this be considered at the June 7th Council meeting in order to allow interested parties time to consider this proposal.

Councilmember Cox responded to Vice-Mayor Weiner's interest in hurricane provisions for horses by advising that she continued to deal with Broward County to negotiate for the use of Vista View Park as a hurricane evacuation site for horses.

In response to Councilmember Paul's proposal to remove Orange Drive from the trafficways, she cautioned that the Town would have to give up the dedicated 80 foot right-of-way and instead would only have a 25 foot setback.

**6. TOWN ADMINISTRATOR'S COMMENTS**

**SHUTTLE SERVICE.** Mr. Middaugh advised that at the next meeting, he would be able to provide information on projected route mapping, some costs, some service levels, and things for Council to evaluate in terms of its impact to the community. He stated that he understood that after Council "fine-tuned" this proposal, it would be taken to community groups to be discussed and refined to be sure that it was meeting the needs of those communities.

**POTTER PARK.** Mr. Middaugh apprised Council that staff had "costed out" the improvement list for Potter Park and the newly acquired 61st Street Park. He indicated that the total amount of available resources had been identified and that direction was needed from Council to prioritize the improvements and figure out what was next. Mr. Middaugh advised that he did not need answers immediately and could provide more detail at his monthly meeting.

**AQUACULTURE FACILITY.** Mr. Middaugh indicated that instead of receiving a proposal from Nova today, he was visited by a representative who requested another week. He was assured that the proposal would be provided and, therefore, would arrange for it to be on the agenda for for discussion and consideration at the next meeting.

Vice-Mayor Weiner mentioned that since there was no "right of first refusal" with Nova, could Neptune Aquaculture be apprised that the Town was considering a variation of

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the current agreement with Nova to see what they wanted to propose. Mr. Middaugh responded affirmatively cautioning that it was not respective of a true request for proposal. He suggested that if the Council wanted to go beyond Nova, that it go with a request for proposal in order to embrace more widely whatever was out there; however, he thought it was fine just for comparison purposes.

**INVESTIGATION.** Mr. Middaugh advised that his investigators had presented to him that they were near a final draft of their report to add to the exhibits to add to the totality of paper. He stated that the next step was to finish his review and add to it the final part which would be his determination on how to deal with the findings. Mr. Middaugh indicated that he would schedule meetings with individual Councilmembers to afford them the courtesy of first review before making a more formal presentation of full public disclosure and discussion.

Vice-Mayor Weiner stated that before there was any public discussion, he wanted to be sure that everything was done to protect the two individuals that were named as the subjects of the investigation as they had certain rights under Florida Statutes, and he did not want to jeopardize the process just to have a discussion. Mr. Middaugh stated that he had not reached any conclusions as to what was to be done at this point since he was still reading the investigation; however, he would keep Council apprised of that to protect their rights if that became an issue.

Councilmember Clark mentioned that she could not see how there would be enough time to go over the report at a scheduled meeting. Mr. Middaugh clarified that since the report was voluminous, he would provide several days advance time for Council's review before starting the process.

**PUBLIC NOTICE SIGNS.** Mr. Middaugh addressed Mr. Bender's concerns regarding the public notice signs at Imagination Farms not being changed. Mr. Middaugh had been informed by Mr. Kutney that the signs had been changed and that he would verify that they had been changed; however, he stated that some times signs were put up only to be taken down. Councilmember Clark inquired on the normal procedure for posting public notice signs. Mr. Middaugh explained the normal advertising procedure and stated that in this situation, the Town went above and beyond by placing extra notices.

**MISINTERPRETATIONS.** Mr. Middaugh stated that he took objection to the characterization that Mr. Bender had accused him and his staff of playing in the development of the WalMart issue. Mr. Middaugh expressed that he hoped to meet with Mr. Bender and his neighbors to renew the dialogue on Imagination Farms and to set the record straight.

**7. TOWN ATTORNEY'S COMMENTS**

**VOTE OF CONFIDENCE.** Mr. Kiar thanked the Council for its vote of confidence and pledged that he knew his role was not to make policy and to serve all equally as Council's legal advisor.

**LITIGATION.** Mr. Kiar stated that he had obtained most of the files that were ongoing from Mr. Webber's office and that he had met on a number of occasions with Mr. Webber's staff. Mr. Kiar indicated that he had begun to delve into just about all the ongoing litigation cases. He stated that his goal was to respond to requests for opinions immediately or as soon as was possible and to work on the ones that were submitted prior to his appointment as well.

Mr. Kiar advised that he had spoken with attorneys Mr. Burke and Mr. Johnson of the Florida League regarding ongoing cases that they were assigned to handle for the Town.

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Mr. Kiar indicated that he had a lengthy meeting with Mr. Serota to discuss the Sunrise litigation in detail. He advised that mediation was scheduled in a couple of weeks and that discovery was ongoing along with production of documents and depositions. Mr. Kiar stated that Mr. Serota anticipated it would go to trial shortly after July 4th.

Mayor Venis inquired if the Weiss, Serota firm had deposed any elected officials from the City of Sunrise. Mr. Kiar's response was that he did not know if that had been done and that he would look into it and relate the suggestion to Mr. Serota.

Regarding the Employment Center, the DCA, and Chapter 175/185 monies, Mr. Kiar advised that these litigations were moving along and progressing.

Vice-Mayor Weiner requested that Mr. Kiar look into two issues, the first one being to retrieve legal files that would be of interest to the Town from Mr. Webber's office and to arrange for their storage. Mr. Kiar advised that Mr. Webber had indicated that he had all the files from the last 21 years in storage and Mr. Kiar concurred that the Town would be concerned with the ones from the most recent years.

Vice-Mayor Weiner's second issue regarded board appointees serving a term as indicated in the resolution for that board and whether or not they could be replaced if they did not attend the meetings. Mr. Kiar indicated that he had researched this issue and sent his response to the Town Clerk's Office. His opinion was that there was nothing to indicate that the individual could be removed except for just cause or malfeasance. Mr. Kiar suggested that the Council consider establishing an ordinance with regard to the boards to allow for removal of an individual who had missed three consecutive meetings. He offered to prepare such a document. Vice-Mayor Weiner stated that by ordinance or resolution, it was something he would like to look into.

**8. CONSENT AGENDA**

*Minutes*

8.1 March 15, 2000 (Regular Meeting)

*Proclamations*

8.2 Arbor Day (May 13, 2000)

8.3 The Sixth Annual Davie Dolphin Days (May 25, 2000)

8.4 Emergency Medical Services (May 14 - 20, 2000)

*Home Occupational Licenses*

8.5 Brothers Backflow Specialist, 12040 SW 26 Court

8.6 Designer Pavers, Inc., 2751 SW 130 Terrace

8.7 Sue A. Troxel, 13400 SW 30 Court

8.8 Structural Inspection of South Florida, 12040 SW 26 Court

*Seasonal Sales - July 4th Fireworks - Waiver of Occupational License Fees*

8.9 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue (location: 2701 North University Drive; June 20 - July 4, 2000)

8.10 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue (location: 6099 Stirling Road; June 20 - July 4, 2000)

8.11 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue (location: 2101 South University Drive; June 20 - July 4, 2000)

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- 8.12 Davie Merchants & Industrial Assn., Inc., 4420 SW 64 Avenue (location: 5660 Griffin Road; June 20 - July 4, 2000)

*Resolutions*

- R-2000-84 8.13 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A COMPARABLE MUNICIPAL BID, CITY OF CAPE CORAL BID #PWO31699-31 FOR A JOHNSTON SERIES 605 STREET SWEEPER. (Florida Municipal Equipment, Inc. - \$149,693)**
- R-2000-85 8.14 **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT LIEN IN CASE NO. 98-220 FROM \$21,750 IN AMOUNT TO \$5,225.44; AND PROVIDING AN EFFECTIVE DATE. (Discount Auto Parts, Inc.)**
- R-2000-86 8.15 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 7-1-99, The Edjeslan Plat, 10200 State Road 84) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report***
- R-2000-87 8.16 **PEDESTRIAN TRAFFIC SIGNAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING BROWARD COUNTY INSTALL A PEDESTRIAN TRAFFIC SIGNAL IN THE 3000 BLOCK OF NOB HILL ROAD.**
- 8.17 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "SARA PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 1-2-00, 7050 State Road 84)**
- R-2000-88 8.18 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND DAVID MARGOLIS, INDIVIDUALLY AND AS TRUSTEE, AND STANLEY SPIELMAN, AS TRUSTEE AND THE BIG ORANGE DEVELOPMENT, LTD., PROVIDING FOR REMEDIAL MEASURES TO SATISFY CONCURRENCY REQUIREMENTS RELATED TO THE SPIELMAN-MARGOLIS REPLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 4-1-00, 4491 South University Drive)**

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- 8.19 **DESIGN/BUILD ADDITIONS CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DOUG AMOS CONSTRUCTION, INC., FOR DESIGN/BUILD FOR ADDITIONS TO THE PARK AT WAVERLY. (\$63,500)**  
R-2000-89
- 8.20 **LIEN SUBORDINATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE.**  
R-2000-90
- 8.21 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE SUBJECT TO BUDGETARY APPROVAL TO PROVIDE A SCHOOL RESOURCE OFFICER PROGRAM FOR WESTERN HIGH SCHOOL AND INDIAN RIDGE MIDDLE SCHOOL. (\$2,400/month payment to the Town for 10 months to supplement salaries)**  
R-2000-91
- 8.22 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE SUBJECT TO BUDGETARY APPROVAL TO PROVIDE A SCHOOL RESOURCE OFFICER PROGRAM FOR SEVEN ELEMENTARY SCHOOLS OF DAVIE. (Davie Elementary, Flamingo Elementary, Fox Trail Elementary, Hawkes Bluff Elementary, Nova Blanche Forman Elementary, Nova Eisenhower Elementary, and Silver Ridge Elementary - \$1,200/month payment to the Town for 10 months to supplement salaries)**  
R-2000-92

*Site Plan*

- 8.23 *SP 8-1-99, Calvary Chapel, 1775 Flamingo Road (AG) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report; eliminate Coco Plum hedge in Phase II on the north and south sides; in Phase II, reduce the height requirements of canopy trees to six feet, three gallon bucket; to come back with a color rendering for approval*

*Site Plan Modification*

- 8.24 *SP 4-1-00, Hacienda Cove, 3711 State Road 84 (RM-15) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval and to omit the number one recommendation of staff thereby allowing the height [sign] to be 17 feet*

Vice-Mayor Weiner asked that items 8.5, 8.8, and 8.16 be removed from the Consent Agenda. Mayor Venis asked that items 8.14 and 8.24 be removed. Councilmember Cox asked that item 8.23 be removed.

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Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 8.5, 8.8, 8.14, 8.16, 8.23, and 8.24. In a voice vote, all voted in favor. (Motion carried 5-0)

8.5 and 8.8 Vice-Mayor Weiner questioned Jack Downs as to whether or not he was retired. Mr. Downs responded that he was retired.

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

8.14 Mayor Venis questioned the amount recommended. Mr. Kutney advised that the amount was based on a sliding scale which Council had approved in July 1999. Mayor Venis questioned if the amount covered the Town's costs and Mr. Kutney responded that since the guidelines had been adopted, staff would be keeping track of the exact costs; however, with cases prior to then, the mitigated amount was based on an estimate of those costs. Mayor Venis questioned if there was a penalty for longevity. Mr. Kutney responded affirmatively and explained the penalty.

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

8.16 Vice-Mayor Weiner requested that Section 1, the middle line be amended to read: . . . "The Town Council, of the Town of Davie, hereby petitions Broward County to install pedestrian traffic signals at both the 1900 block and 3000 block of South Nob Hill Road for the protection of pedestrian, cyclists and equestrians crossing Nob Hill Road." He stated his reasoning for amending the resolution. Councilmember Cox recalled that a resolution was recently done for the 1900 block and expressed that this would be redundant. Vice-Mayor Weiner affirmed that a petition was requested for the 1900 block; however, he felt that this would emphasize how strongly Council felt about that petition.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve subject to the amended language that was read into the record. In a voice vote, all voted in favor. (Motion carried 5-0)

8.23 Councilmember Cox explained the logic behind the Site Plan Committee's recommendations. Councilmember Paul questioned what the water retention arrangements were for that site. Gus Aguirre, representing the petitioner, explained the system for drainage.

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

8.24 Stephanie Toothacker, representing the petitioner, advised that there was a difference in the recommendation between staff and the Site Plan Committee. She asked that Council approve the item as recommended by the Site Plan Committee and if not, she asked that Council table the item to allow the petitioner to meet with staff. Councilmember Cox explained that staff had made a recommendation based on strict interpretation of the Code whereas the Site Plan Committee considered the constraints imposed upon the petitioner as to where the sign be placed.

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Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve subject to the Site Plan Committee's recommendations. In a voice vote, all voted in favor. (Motion carried 5-0)

**9. PUBLIC HEARINGS**

*Ordinance - First Reading (Second Public Hearing to be held May 17, 2000)*

**9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)03-03-00, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-32, ENTITLED "TABLE OF PERMITTED USES," TO PROVIDE FOR THE USE OF YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-33, ENTITLED "GENERAL REGULATIONS," (W) "OUTDOOR ACTIVITIES RESTRICTED," TO ALLOW FOR OUTDOOR SALE AND STORAGE FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-34, ENTITLED "DETAILED USE REGULATIONS," BY CREATING SUBSECTION (EE) "YACHT MANUFACTURING AND REPAIR," TO ESTABLISH REGULATIONS FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-83, ENTITLED "COMMERCIAL CONSERVATION STANDARDS," TABLE 12-83 "CONVENTIONAL NONRESIDENTIAL STANDARDS," TO PROVIDE STANDARDS FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-208, ENTITLED "REQUIREMENTS FOR OFF-STREET PARKING," TO ESTABLISH PARKING REQUIREMENTS FOR YACHT MANUFACTURING AND REPAIR; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS," TO PROVIDE DEFINITIONS FOR YACHT AND MARINA; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled from April 18, 2000)**

Mayor Venis advised that the second public hearing would be held on May 17, 2000. Town Clerk Reinfeld read the ordinance by title.

Margaret Croxton, Director of Marina Mile, indicated that she was representing Roscioli's Yachting Center and Bradford Marine and introduced Mr. Roscioli and his partner Mr. Kline. She confirmed that the Councilmembers had received her packets and letters from the Marine Industries Association. Ms. Croxton spoke of the benefits provided to the community by this business and explained the steps that were taken to inform the staff and neighbors of this project. She advised of the process that had been followed and the involvement of the Department of Planning and Environmental Protection (DPEP). She spoke of the enhancements made by Mr. Roscioli to the Wetlands and Pond Apple Slue as well as his agreement to maintain the site and monitor it for the next five years at his expense.

Mr. Kline provided a detailed history of Roscioli Yachting Center business, its expansion program, and the support promised by the Town. He explained the relationship with the McFatter Vocational Technical Center for job training and retraining programs of its students. Mr. Kline advised of the increase in real estate taxes that the proposed expansion would generate as well as the employment opportunities. He assured that he would extend his complete cooperation to respond to any inquiries in order to provide information on this expansion program.

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Vice-Mayor Weiner questioned if Mr. Kline knew whether other municipalities had the provision that allowed the marinas to have vessels up to 180 feet in length as that was his point of concern in the past. Mr. Kline clarified that he could not speak directly to what other municipalities had actually passed; however, he stated that he had no interest in manufacturing or servicing boats of 180 feet in length. Having heard Mr. Kline's response, Vice-Mayor Weiner wondered why the ordinance provided for vessels up to 180 feet long and questioned if it was necessary. Ms. Croxton responded that the City of Dania Beach had passed an ordinance which did not set a maximum length because it was able to accommodate that size and larger at its marina location and there was no rationale to justify a limitation of size as long as it could be managed. She stated, however, that that size vessel would not get past the south fork of the New River and that the Town would not be dealing with those size vessels.

Mayor Venis inquired on the size of the vessels Bradford Marina worked on and Ms. Croxton indicated that they were generally larger than the ones Mr. Roscioli serviced; however she declined to speak on their behalf as representatives from that firm were not present.

Councilmember Clark stated that her concern was in protecting the residents and that just because you could build a 15-foot building, it did not mean that it should be built.

Councilmember Cox shared her observations as she too had been concerned about a 180 foot boat sitting on the river. She explained that she had visited the site and met with Mr. Roscioli to take the tour and that her concerns were assuaged because of the way the yard was laid out and that the vessels would be placed within the yard and not on the river. Councilmember Cox felt that the 180 foot maximum may apply to the Bradford Marina which was opposite an elementary school. She, therefore, was not as concerned about the 180 foot maximum as she had been originally.

Mr. Roscioli advised that the only time you saw the mega yachts was when they were coming and going and that in that process, they were a sight to behold. He stated that they were not like a super WalMart or a fixed 15-story building that you were stuck looking at. Councilmember Clark acknowledged that his point was well taken. Mr. Roscioli assured that once the boats were in the marina, they were hidden from sight. He thanked Councilmembers Cox and Paul for their interest in visiting the site and learning about the "nuts and bolts" of the operation. Mr. Roscioli described the plans and phases of the expansion program.

Vice-Mayor Weiner inquired on the size classifications of boats for his own edification and Mr. Roscioli explained the categories.

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

Gary Starkweather, a resident of Lauderdale Isles, indicated that he was a member of the Civic Improvement Association. He provided an aerial view and pictures from several vantage points on the river. Mr. Starkweather also provided a composite of photographs to demonstrate what it looked like being located across from a shipyard industry. He indicated that he was appointed as a representative of a fact-finding committee which had only two weeks to prepare to address this issue. Mr. Starkweather presented five points: 1) The evolution of the marine industry, its sites, and what needed to be considered before allowing a site to intensify its use; 2) Inappropriate land use for the current M-1 zoning which did not permit for the intensity of use these shipyards required and the absence of a 500 foot setback to residential uses; 3) Conformity of zoning between the County and Town in order that M-1

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zoning be consistent in both jurisdictions; 4) Time schedule - coordinate public notice of this issue with the Civic Association's general meeting scheduled for May 18th in order to allow the affected residents an opportunity to be heard in this matter; and 5) Good faith procedure - as neighbors living across the river, he asked that they be considered in the process and have the opportunity to discuss with Mr. Roscioli and the planners a resolution that would be good for everyone.

Vice-Mayor Weiner recalled similar circumstances involving different issues where the Town had a "very appropriate course" to follow in which the issue was referred to the Planning and Zoning Board in order to obtain the citizens' input. He suggested that rather than voting on this issue tonight, it be referred to a committee.

Mayor Venis questioned Mr. Kutney on why this item had not gone before the Planning and Zoning Board. Mr. Kutney advised that as a Code amendment, it would be going before Planning and Zoning eventually and that this was a start of dialogue to indicate what Development Services intended to do with the amendment and that it would go to Planning and Zoning between first and second readings.

Councilmember Paul questioned two of the points Mr. Starkweather made regarding zoning for the intensity of use and the 500 foot setback. Planning and Zoning Manager Jeff Katims indicated that the current uses fell within the perimeters of the M-1 zoning except that the watercraft was limited to 45 feet and that the buffer between the residential area and the manufacturing operations was substantial.

Councilmember Cox recalled that when she took the tour, the buffer worked well and obscured the shipyard view from the river. She had Mr. Starkweather clarify that some of the photographs were taken at the entrance opening of the marinas and not from the same vantage point of a resident's view. Mr. Starkweather acknowledged that the view from Lauderdale Isles was obscured and that only the roof tops could be seen above the trees. He advised that the residents would like to see that the lowest intensity of use would be closest to the separation buffer and that the types of uses such as sandblasting or chemicals where noise and odor was an issue, be further away from the homes.

Councilmember Cox stated that her understanding was that Mr. Roscioli intended to enclose his operations. Mr. Starkweather responded that while they had hoped that would be Mr. Roscioli's intentions, the zoning change would stay with the property and another owner could do something different. He stated that his concerns were not about Mr. Roscioli as he had practiced a "good neighbor" policy. Mr. Starkweather suggested that a special exception may be the answer to allowing Mr. Roscioli and Mr. Bradford to continue doing work in their yards while still protecting the residents of Lauderdale Isles with a minimal M-1 zoning classification.

George Townsen, a resident of Lauderdale Isles, indicated that was amenable to amending the permitted uses section of the Land Development Code if all areas of it were compatible with neighborhoods and if it was also agreed upon by residents and businesses. He spoke of the changes in the neighborhood citing the airport landing path, the I-595 corridor, the nearby incinerator and a vacant shopping center located to the north. Although Mr. Townsen had no problems regarding 180 foot vessels, he stated that the last thing the residents needed was the intensification of the zoning next to them. Reading from the Davie Code, he pointed out that an M-2 zoning was not to be used if it abutted residential property

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as was the case in this issue. He reiterated that there were no assurances that the next owner of the property would be as good a neighbor as Mr. Roscioli had been and, therefore, recommended conditional uses on M-1 zoning in this case.

Ms. Croxton commented that the marina was presently operating in compliance with zoning and that staff could confirm that there was no problem. She advised that Mr. Roscioli had met with Lauderdale Isles residents to apprise them of his proposed expansion and that if he did not have the approval from the majority of residents, there would have been a much larger group representing this community in protest. Ms. Croxton reiterated that the expansion plan involved only one building to be placed on the acquired acreage.

Councilmember Paul asked for clarification of the proposed site plan. Mr. Roscioli explained that the plan was not accurate and that most repairs to the yachts would be to the south end. He stated that the north end was used for storage and normal day-to-day maintenance. Mr. Roscioli indicated that he was undecided at this point about the kinds of buildings to put up and the parking and that he wanted to get the zoning done first before applying for plans approval and building permits. He stated that he too was a resident of Lauderdale Isles and assured that he would try to achieve as much of a buffer as was possible.

Vice-Mayor Weiner reiterated that his focus was on the ordinance and his concern was with the size of the watercraft and he would like a limit placed at 130 to 140 feet.

Councilmember Cox observed that she had not heard residents object to the size of the vessels; however, their concerns were visual in terms of the building and in the intensity of the operation.

Councilmember Clark inquired on the amount of complaints charged against the center. Mr. Roscioli responded that since 1981, neither he nor Bradford had received a single official complaint filed against them.

Eric Meyers, Director of Biological Resources Division of the DPEP for Broward County, indicated that his group was one of the three wetland regulatory agencies reviewing applications to fill a portion of the wetlands on the subject property. He summarized his agency's objective and stated that the outcome of its review was to set 1.3 acres on the western part of the site as a preserve area to be enhanced and cleaned up and also to clear the berm area along the river front of Australian Pines and other nuisance exotics and to be replanted with native species. Mr. Meyers emphasized the point that mitigation demands were based on direct impact to wetlands more so than the type of development that was going on top of them. He indicated that copies of the applications were sent to all municipalities involved as part of their review process.

Councilmember Cox asked Mr. Meyers to point out on the aerial the area of the berm which Mr. Roscioli had agreed to clear up and maintain. Mr. Meyers complied and affirmed that regardless of what was done with the zoning, the buffer would need to go in before any future development. Councilmember Cox inquired on the types of native trees that Mr. Meyers recommended which would provide height and density and were adapted to the damp conditions. Mr. Meyers responded that various oaks such as Laurel Oak would acclimate well and provide the affect Councilmember Cox specified.

Councilmember Paul clarified her understanding of the wetland mitigation agreement and what was to be preserved and what acres were to be filled. She inquired on the steps to be taken to protect the wildlife. Mr. Meyers indicated that what was mobile would be moved; however, plants would ultimately be destroyed. Ms. Croxton commented that Mr. Roscioli shared those same concerns and upon an investigation into the wildlife species located on that

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site, it was found that raccoons had inhabited the area. Councilmember asked Mr. Meyers if he judged that the area which was set aside for the wetland was sufficient to adequately deal with the preservation of that particular site. Mr. Meyers indicated that he felt that this was a positive endeavor to preserve and restore wetland areas along the New River.

Richard Thompson, Lauderdale Isles Civic Association President, stated his disagreement with the assumption that since there were not a lot of people from the Lauderdale Isles community present at this meeting, it was an indication that the majority of residents had approved this project. He contended that only a handful of the residents were aware of this project and that more time was needed to apprise residents of the situation and to allow for further discussion.

Mayor Venis closed the public hearing for Council's deliberations.

Vice-Mayor Weiner moved that "we amend to propose section double E (EE) the title where it says, Yacht manufacturing and repair change that to Super yacht manufacturing and repair; and also change in SECTION 6 of the proposed ordinance, the definition of Yacht so that's defined as Super Yacht; and then create a separate section double F (FF) which mirrors the language, get rid of the reference to super yacht, and change the footage on the relevant sections from 180 to 130 feet in FF. And then if an applicant wants to apply for rezoning to Super Yacht Manufacture and Repair or Yacht Manufacturing and Repair, they can do so; and we can have hearings on those with the public at those hearings."

Councilmember Paul asked that Vice-Mayor Weiner repeat his motion.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to take the proposed ordinance, page 2, SECTION 3 (EE), insert the word Super before the word Yacht; also on page 3, SECTION 6 where it defined Yacht, insert the word Super there as well; then add another set of Sections which would be as 12-34 (FF) which would just be Yacht manufacturing and repair and make the limitations there on length, not 180 feet but 130 feet. In that way an applicant could apply for the 130 foot or 180 foot. When they come to Council for rezoning, residents could speak out at that time.

Councilmember Cox clarified that Vice-Mayor Weiner was adding a second level to the ordinance. Vice-Mayor Weiner concurred stating that his concern was in the vessel footage and by creating two separate classifications, Mr. Roscioli, who was closest to Lauderdale Isles, could apply for the lower classification while Mr. Bradford would be able to apply for the super yacht classification and Council could decide if it was appropriate at that time.

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

Vice-Mayer Weiner confirmed that a second reading would take place May 17, 2000.

Mr. Katims asked for clarification on the motion which Vice-Mayor Weiner provided. Mr. Katims pointed out that there needed to be a way of distinguishing between the two classifications within the zoning district and that the only way to do that would be through deed restrictions or to specify 130 feet by right, 180 feet by special permit.

Vice-Mayor Weiner motioned to reconsider the vote, seconded by Councilmember Clark. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - out of room; Councilmember Paul - yes. (Motion carried 4-0)

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Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve at 130 feet, up to 180 feet with a special permit. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

*Land Use Plan Amendment*

9.2 LA 00-1A, Wal\*Mart/Wolf, individually, and Wolf Trusts, et al, located at the northeast corner of Stirling Road and University Drive (from Commerce Office to Commercial) (tabled from April 18, 2000) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

Mr. Middaugh explained that staff's recommendation for denial came after considerable research and input from neighboring residents. He indicated that this determination was based on a vision for development which had been indicated in the Land Use Plan and that WalMart, although a good corporate neighbor and a potentially substantial contributor to the tax base, did not meet with that vision.

Mr. Kutney elaborated on the details and research which staff had contributed in this process. He assured that the Town was following the correct procedure in requiring a land use amendment and read the staff's analysis. Mr. Kutney reiterated and emphasized an important point in the staff's analysis stating "staff finds that either land use is appropriate at this location but has not seen evidence that a land use change at this location, at this time, is warranted and is in the best interest of the Town to retain the commerce/office land use designation." He clarified that the question was "which land use was the most appropriate." Mr. Kutney indicated that the decision was based on vision and timing and that the Town's intentions were substantiated in its actions since 1997.

Susan Motley, representing the petitioner, was present. She stated that the intention was to build a super WalMart Center on the property and explained the concept. Ms. Motley spoke of revisions which were made to the site plan concept in order to accommodate the requests of neighboring residents after having met with them. She reminded Council that if the land use amendment was approved, there would be just one user on the property as opposed to the possibility of several users in which warehouses and light fabrication was permitted. Ms. Motley pointed out statistics which substantiated that the proposed center would reduce the impact on public facilities and services.

Bob Kirlander, Real Estate Broker, was asked by Ms. Motley to provide his perspective on the commercial development prospects of this site. He indicated that the location was perfect for commercial development and that typically commerce/office sites were located on major thoroughfares and he provided several examples within the Town and other municipalities.

Keith Pellon, Certified Planner, Architect, and Landscape Architect, provided his expertise and opinions on why commerce/office zonings were more suited to being located near major thoroughfares. He stated his rationale for determining that the subject site was an ideal location for the center. Based on good planning principles and his experience, Mr. Pellon indicated that he agreed a commercial retail center was a more appropriate use for this site.

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Ms. Motley summarized her argument that a commercial land use was more appropriate for the site which would enhance the tax base, serve the local residents, and provide employment to the community.

Mayor Venis inquired on the number of "super stores" WalMart had built throughout Florida. Mr. Kirlander estimated approximately 50 super centers existed in Florida. Mayor Venis asked what were the hours of operation. Ms. Motley answered that they were typically open for 24 hours unless prohibited by local ordinance.

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

Amy Galloway stated that she was retained to assist the homeowners of Exotic Acres in representing them in this process. She distributed report packets which contained the opinions of a professional real estate broker and planner who addressed the impact of this proposed amendment to the Exotic Acres community.

Christopher Coutro, Municipal Planner, referred to the material which had been distributed and emphasized some of the points he had made which supported the opinions of staff and the Planning and Zoning Board. He made the additional point that in the land use impact analysis document which was prepared by David M. Griffin Associates, it was indicated that for every \$100 spent by the Town in services, commercial designations yielded about \$110 in revenue whereas office designations yielded approximately \$240. Mr. Coutro supported the recommendation to deny the land use amendment.

Joyce Steward, 10850 SW 25 Street, spoke in opposition to the land use amendment and spoke on the concerns of the homeowners who had understood that an office park was designated at the subject site when they chose to invest in their property. She cited two examples within the Town where adjoining commercial activity adversely impacted the value of abutting residential property and provided a photograph of a super center located in Fort Pierce. Ms. Galloway asked Ms. Steward if it was her opinion that the property value of Exotic Acres would be impacted by a WalMart super center. Ms. Steward responded affirmatively stating that because of the magnitude of the center and the hours of operation, it would negatively impact property values in that area.

Matt Becker, 7250 Peppertree Circle North, President of the Exotic Acres Homeowners Association, spoke in opposition to the land use amendment and addressed the "unable to sell claim" which did not "hold water" in his opinion. He asked that the economic development resources of the Town be made available to the property owner to help market the site for an office/commerce center.

Harry Stampler, 5800 Peppertree Circle West, spoke in opposition to the land use amendment stating that he had researched the surrounding land uses prior to purchasing his property and that it was a major issue in his decision making. He indicated that he had visited a Super WalMart Center in Kissimmee, Florida, and he shared his observations.

Steve Bullock provided his perspective and reasons for being opposed to the land use amendment.

Joe Fedelm, 7251 Peppertree Circle, spoke in opposition to the land use amendment and commented that the \$400,000 in tax revenue generated by WalMart would be surpassed in real estate taxes by Exotic Acres when development was completed if WalMart did not locate at the subject site. He indicated that he had 146 signatures from residents located south of Stirling Road who did not want WalMart to locate on the subject site.

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Ray and Elizabeth VonTepper explained why they purchased property in Exotic Acres and spoke in opposition to the land use amendment. They circulated photographs of a Super WalMart Center located in Florida City, Florida, and stated that "that would be our view" if WalMart was allowed to build across from their lot.

Ms. Galloway summarized that WalMart had not shown why the current land use designation did not work, and that it was their burden to do so. She referenced nine factors listed in the Town's Code which needed to be addressed as they were the factors that impacted peoples lives, the municipality, and long-term vision, and that staff had concluded that eight of those factors had not been met by WalMart. Ms. Galloway disputed WalMart's position that this particular site was not appropriate for the designation because it was not located on a major interstate by stating that that fact belied some of the nicest campus-like developments in Broward County. She also countered the argument that a commerce center belonged downtown and indicated that Motorola and American Express in Plantation were two examples of commerce centers with similar settings. Ms. Galloway advised that the Town had less office and office/commerce compared to surrounding communities and, therefore, residents were traveling to other communities to work as opposed to doing what the Land Use Plan was supposed to accomplish which was bringing residents to a commerce/office designation to create an economic and employment base. She believed that with the appropriate marketing and with Davie's economic development support, this parcel could be turned into a jewel and something to achieve the Town's long-range vision.

Edna Moore, 6553 Stirling Road, indicated that she had over 200 signatures on a petition asking that WalMart be built on that site and explained how the signatures were collected. She provided a history on the zoning changes and advised of the roadway improvements which had occurred subsequent to obtaining the commerce center zoning designation. Ms. Moore warned of the potential uses which were allowed with a commerce/office designation and spoke of the proposed buffers WalMart intended to build which enhanced the existing buffers of a canal and road. She expressed that a lot of what was said tonight was not true and provided examples of contradictions. Ms. Moore addressed the issue of the photographs of the Fort Pierce and Florida City WalMarts which had been circulated and explained that they were older buildings and that there were beautiful WalMarts such as the one in Vero Beach. She maintained that the WalMart was needed, particularly to the residents in east Davie and she was in favor of the land use amendment.

Mayor Venis closed the public hearing.

Ms. Motley asked that Council consider what was best for the entire Town and not just the residents of Exotic Acres. She advised that it was WalMart's intentions to work with the community regarding lighting and buffering and reminded that a commerce/office designation only restricted retail use and that they would be subject to the other aspects of a commercial designation which were not so desirable. Ms. Motley read from the staff report, item 4, "It is not anticipated that the proposed change may adversely affect living conditions to the east where the land use classification is one (1) unit per acre." and emphasized the word not. She also read item 5, "The proposed change will not create an increase in automobile traffic as indicated in the attached traffic report prepared by a registered engineer." Ms. Motley requested that Council consider what the issues were and to do what was best for the Town.

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Councilmember Clark requested that Mr. Kutney address item 4. Mr. Kutney read the item and clarified that the issue was of land use and that the land use was already a form of commercial which would, therefore, not cause a problem.

Vice-Mayor Weiner stated that he did not find where anyone had disproved that the existing land use was less suitable than the applied for proposed land use and moved to deny the application which was seconded by Councilmember Clark. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

*Vacation/Abandonment*

9.3 VA 3-1-00, ROHO - Flamingo, Ltd., 12451 Orange Drive (B-3) (to vacate a portion of a 15 foot utility easement, approximately 150 feet west of Flamingo Road and 20 feet north of Orange Drive adjacent to the subdivision platted as "ICE") (deferred from April 18, 2000) *Planning and Zoning Division recommended approval subject to no objection letters from applicable public utilities; Planning and Zoning Board recommended approval subject to no objection letters from applicable public utilities*

Manny Synalovski, representing the petitioner, was present. Mr. Katims advised that this was a continuation of a merits hearing as the Planning and Zoning Board was unable to provide a recommendation at that time. He indicated that the Board had subsequently rendered the recommendation to approve subject to no objection letters from applicable public utilities being received by staff. Mr. Katims noted that staff had not received any objection letters. He advised that BellSouth responded that it had no problems with it as long as the easement would be continued which he indicated was the purpose for this vacation request.

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

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

Mr. Katims advised that item 10.2 was the first reading of the ordinance on this issue and it was up to Council's discretion to take an action on it out of turn. As there were no objections, Mayor Venis called for item 10.2 to be addressed next.

10.2 Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing would be held on May 17, 2000.

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

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

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*Quasi Judicial Hearings*

9.4 **REZONING** - ZB 3-2-00, Synalovski Gutierrez Architects, Inc./Jaffe at 595, Inc., 10200 State Road 84 (A-1 to B-3) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the voluntary deed restrictions offered by the petitioner and the conceptual master plan*

Mr. Kiar explained the rules concerning the presentation of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Kutney advised that his qualifications were on file in the Town Clerk's Office and entered the planning report. He summarized the planning report. Mr. Kutney advised that a traffic analysis was provided by the petitioner and that it only addressed the issue of the site in question and not the impacts as it related to the area. He believed that a more thorough study would eventually have to be made by staff which would address the traffic system management issues as it related to the peak hours.

Manny Synalovski, representing the petitioner, indicated that he concurred with staff's recommendations and that the traffic consultant was present to answer any questions relative to the study. He explained the criteria that was followed and what the traffic study included.

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

Mr. Kiar stated that the hearing was concluded.

Councilmember Paul asked for clarification of the location as she was concerned with drainage provisions if it was located near a farm. Mr. Synalovski detailed the the provisions and assured that that he had no intention, nor would he be permitted, to flood beyond the property line. He added that there was a significant amount of open green space which was more than adequate to satisfy the requirements for on-site drainage.

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

9.5 **VARIANCE** - V 3-2-00, A-1 Pride, Inc./Roero, 6331 SW 41 Court (B-2) (to reduce the minimum required 10 foot perimeter landscape buffer from 10 feet to 4 feet along the east property line) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

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

Councilmember Cox inquired of whether or not the building conformed in appearance with the Western Theme since it was located within the Community Redevelopment District. Mr. Kutney responded that it was not totally; however, it was the applicants intention to comply with Western Theme regulations. Councilmember Cox asked if that had been made a condition of the variance. Mr. Kutney responded negatively stating that it was being done on a voluntary basis.

Randy Roero, the petitioner, stated that he intended to conform to the Western Theme in order to "blend in." Councilmember Cox asked about the time frame for these improvements and Mr. Roero responded that it should coincide with working on the parking lot.

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

Mr. Kiar stated that the hearing was concluded.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve based on the petitioner's representations. Vice-Mayor Weiner clarified that the representations included his willingness to comply with Western Theme District as he does the parking lot. Councilmembers Cox and Paul responded affirmatively. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

9.6 **VARIANCE** - V 3-3-00, Macintosh, 1720 SW 116 Avenue (R-1) (to allow an accessory structure roof height of 24.13 feet to exceed the 21.13 feet height of the principal structure (a total of 3 feet difference) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Reinfeld swore in the witnesses. Mr. Katims summarized the planning report.

Councilmember Paul stated that she looked at the pictures and it was evident that the improvement was needed; however, her concern was how it would affect the other homes in the area. Mr. Katims indicated that some of the other homes had already been elevated and that a comprehensive drainage undertaking had been presented at the Planning and Zoning Board meeting. He added that it was not a large area of property that was being filled, only the pad of the building and that the barn would be relocated to comply with current setbacks.

Gary Macintosh, the petitioner, explained that the surrounding homes were significantly higher than his and that when the structure was built in 1970, it was built too low.

Mr. Kiar asked if anyone wished to provide testimony in favor of or opposition to the variance.

Tom Green, 1800 SW 160 Avenue, indicated that he was not opposed to the variance request; however, he was concerned with the prospect of the entire property being filled and asked that the Town keep an eye on this. Mr. Macintosh explained that at the time the house was built, it met engineering standards and a water retention area was built in the back of the property. He responded that the fill Mr. Green was referring to was the muck from the hole which was demucked for the pad and it would be used to backfill the pad only. Mr. Macintosh stated that the variance was required in order to construct the barn and keep his animals in a safe condition.

Mr. Kiar stated that the hearing was concluded.

Vice-Mayor Weiner requested that Mr. Middaugh meet with Mr. Rawls to confirm that the property to the east was approved by engineering with regards to drainage and maintaining water. Mr. Middaugh responded affirmatively.

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

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- 9.7 **VARIANCE** - V 3-4-00, Cornelius, 14120 SW 24 Street (R-1) (to reduce the required rear yard setback for an accessory structure from 40 feet to 25 feet in the R-1, Estate Dwelling District) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval of the application as submitted subject to the applicant having the structure maintained as a carport and utility room only, and with landscaping being added along the east property line*

Town Clerk Reinfeld swore in the witnesses. Mr. Katims summarized the planning report and explained why staff had recommended denial.

Frank Cornelius, the petitioner, explained his dilemma which resulted in the need for a carport to protect his camping trailer. He assured that it would be constructed to commensurate with the house and that the landscaping would be installed on the east side of the property. Mr. Cornelius spoke of the recent changes in setback requirements and that the purpose for those changes was to assure that animals would not be located too close to adjoining properties. He assured that this was not his intention for this variance. Mr. Cornelius had obtained signatures from his neighbors indicating that they had no objections to the variance and he had hired an engineer to substantiate that this was the only place he could put the carport.

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

Mr. Kiar stated that the hearing was concluded.

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

**10. PUBLIC COMMENTS**

*Ordinance - First Reading (Public Hearing to be held May 17, 2000)*

- 10.1 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PERTAINING TO THE RIDING OF EQUINE ANIMALS; PROVIDING FINDINGS; PROVIDING FOR AMENDMENTS TO CHAPTER 4, ARTICLE I OF THE CODE OF THE TOWN OF DAVIE, BY CREATING A NEW SECTION 4-5, ENTITLED "SAFETY HELMET REQUIRED FOR RIDING HORSES AND OTHER EQUINE ANIMALS"; REQUIRING THAT PERSONS UNDER SIXTEEN (16) YEARS OF AGE WEAR SAFETY HELMETS WHEN RIDING AN EQUINE ANIMAL IN DEFINED PUBLIC AREAS; CREATING PENALTIES FOR RIDERS THAT VIOLATE THE ORDINANCE, FOR PARENTS AND GUARDIANS OF PERSONS UNDER SIXTEEN (16) YEARS OF AGE FOR AUTHORIZING OR KNOWINGLY PERMITTING A VIOLATION OF THE ORDINANCE TO OCCUR AND FOR LESSORS OF EQUINE ANIMALS THAT KNOWINGLY RENT OR LEASE AN EQUINE ANIMAL TO BE RIDDEN BY A PERSON UNDER SIXTEEN (16) YEARS OF AGE UNLESS THE LESSOR HAS PROVIDED TO, OR OTHERWISE VERIFIES THAT THE RIDER HAS AND IS WEARING A SAFETY HELMET MEETING THE ORDINANCE'S SPECIFICATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing would be held on May 17, 2000.

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

Councilmember Paul noted that there was a problem with the dates and that it needed to be changed in order to be consistent.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve with Sections 4-5, (b) being modified to read June 1, 2000. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

- 10.2 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF A UTILITY EASEMENT LOCATED WITHIN PARCEL A OF THE ICE PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 3-1-00, ROHO - Flamingo, Ltd., 12451 Orange Drive)

This item was discussed earlier in the meeting.

- 10.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL ESTATE DISTRICT (COUNTY), TO B-3, PLANNED BUSINESS CENTER DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-1-00, Morris, Jaffe at 595, Inc., EDJ Enterprises, Inc., and Edjeslan Enterprises, Inc./Synalovski Gutierrez Architects, Inc., 10200 State Road 84)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis advised that this was a public hearing and asked if anyone wished to speak for or against the rezoning. As no one spoke, the public comments were closed.

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

**11. APPOINTMENTS**

- 11.1 Youth Advisory Board (one exclusive appointment - Mayor Venis; term expires March 2001)

Mayor Venis deferred his appointment to the next meeting.

- 11.2 Planning and Zoning Board (5 exclusive appointments with appointees to be legal residents of the Town - one appointment per Councilmember; term is May 17, 2000, to May 22, 2001)

Councilmember Cox appointed Michael Davenport. Vice-Mayor Weiner appointed George Greb. Mayor Venis appointed Jay Stahl. Councilmember Paul appointed Larry Davis. Councilmember Clark appointed Edna Moore.

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Later in the meeting, Mayor Venis advised that a vote was necessary to approve the appointments.

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

**12. OLD BUSINESS**

12.1 Representation for Compensation before the Town by Former Officers or Employees

12.2 Agrarian Policy

Mayor Venis suggested that these items be deferred to the next meeting and Council agreed. Vice-Mayor Weiner advised that for purpose of discussion, he had submitted a draft of an ordinance regarding agrarian and agricultural uses.

**13. NEW BUSINESS**

Mayor Venis advised that item 13.1, a resolution, needed to be added to the agenda.

Vice-Mayor Weiner made a motion, seconded by Judy Paul, to add item 13.1. In a voice vote, all voted in favor. (Motion carried 5-0)

13.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING CHANGE ORDER NUMBER 1 BETWEEN THE TOWN OF DAVIE AND M. VILA & ASSOCIATES, INC. FOR THE RECONSTRUCTION AND REALIGNMENT OF REESE ROAD

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

**14. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 1:28 a.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk