

**TOWN COUNCIL
REGULAR MEETING
MAY 17, 2000**

1. PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

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

Vice-Chair Weiner made a motion, seconded by Councilmember Cox to excuse Mayor Venis who was absent due to illness. In a roll vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 4-0)

Vice-Mayor Weiner announced that items 3.1, 3.2 and 3.3 would be discussed later in the meeting.

3.4 An unidentified man stated that the procedure every year was to appear before Council to request approval of a parade permit for the Annual Scoutmaster's Camporee Memorial Day Parade. He advised of the weekend's activities culminating with the parade and the Memorial Day Show. The unidentified man expressed his thanks to the Town, indicating that this was the 34th year that he had been involved with the Town.

Vice-Mayor Weiner indicated that item 7.3 was the permit application and inquired whether or not Council had any objection to granting the permit. Council approved the permit application by acclamation.

An unidentified man presented two plaques to the Town for its outstanding service and dedication to the 2000 Scoutmaster's Camporee and Memorial Day Weekend. Councilmember Paul asked whether judges were required for the events with Jay Foster responding affirmatively. Mr. Foster invited Councilmembers to participate in the parade and commented that judges would also be needed for the lighted canoe float with Councilmember Paul responding that she would be happy to participate.

3. PRESENTATIONS

3.1 Douglas Iscovitz, Florida Principal of the Year

Later in the meeting, Vice-Mayor Weiner presented a Certificate of Appreciation to Douglas Iscovitz in honor of his being chosen as Principal of the Year.

Councilmember Paul added her congratulations and commented that Mr. Iscovitz was an individual who was dedicated to children, to the entire concept of education and what it stood for. She commented that she was proud that Mr. Iscovitz was a part of the Town.

Mr. Iscovitz stated that being Principal at Indian Ridge School was the best job in America and he was proud to be principal because of the support that Council had shown to the school. He commented that the award was very prestigious and indicated that in October he would be representing Florida in Washington where a National Principal of the Year would be selected.

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3.2 Southwest Optimist Club, 22nd Annual Spring Egg Hunt

Vice-Mayor Weiner presented a plaque to the Southwest Optimist Club for a successful Spring Egg Hunt.

3.3 West Broward Women's Club, 22nd Annual Spring Egg Hunt

Vice-Mayor Weiner presented a plaque to the West Broward Women's Club for the assistance and support of the Spring Egg Hunt.

3.4 Scoutmaster's Camporee Committee BSA

A presentation was made earlier in the meeting.

3.5 Davie Elementary School Shelter

A representative was not present.

3.6 Davie/Cooper City Chamber of Commerce

Arline Broleman, Executive Director, updated Council on the Chamber's efforts. She indicated that plans were being formulated for the fall rodeo which would be held Thanksgiving weekend.

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

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Pro Wrestling Fund-Raiser (May 20th); Five Star Rodeo at Bergeron Rodeo Grounds (May 26th and 27th); Memorial Day Events (May 28th and 29th); Take A Kid Fishing Tournament (June 3rd); and the Concert in the Park (May 21st).

Sharon Pierce-Kent, Parks and Recreation Director, announced that upcoming events included: summer day camp and summer days program (June 19th); Independence Day cook-out (July 7th); youth basketball program, ages 7 to 17 (June 17th - August 19th); registration for tackle football, tackle cheerleading and youth basketball program (May 20th).

Vice-Mayor Weiner announced that items 11.3 and 12.4 had been withdrawn.

Vice-Mayor Weiner announced that items 9.7 and 9.8 needed to be tabled to June 7, 2000.

Councilmember Cox made a motion, seconded by Councilmember Paul, to table. In a voice vote, with Mayor Venis being absent, all voted in favor (Motion carried 4-0)

4. MAYOR/COUNCILMEMBERS COMMENTS

MAYOR VENIS

Mayor Venis was not present.

COUNCILMEMBER CLARK

THANKS. Councilmember Clark expressed her thanks to Danny Stallone, Code Compliance Supervisor and Robert Taylor, Code Compliance Inspector. She stated that they had spent the previous Saturday cleaning a yard for a family who were unable to perform the task themselves. Councilmember Clark stated that they were assisted by Tim Walters of Max Auto during the clean-up.

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DMIA. Councilmember Clark expressed her thanks to the DMIA and explained that she was the guest speaker at their May monthly meeting.

SILVER OAKS TENANT'S ASSOCIATION. Councilmember Clark announced that the Silver Oaks Tenant's Association would be holding their monthly meeting on May 18th which she would be attending. She indicated that there were major issues involved and invited residents to attend. Councilmember Clark commented that there would be a police officer in attendance and added that police officers were specifically assigned to Silver Oaks. She expressed her thanks to Police Chief John George for his cooperation in providing her with an update on the happenings within the community.

PARKS AND RECREATION DEPARTMENT. Councilmember Clark stated that a letter was sent to Council from her husband, Richard Clark, expressing concerns regarding the Parks and Recreation Department. She expressed her appreciation for the timely response that her husband received from Ms. Pierce-Kent. Councilmember Clark stated that she would like to bring attention to a question regarding an allegation in the letter that had not been addressed neither in a letter nor at the Council meeting. She commented that that question was the basis of the letter and she was requesting that Mr. Middaugh look into the problem in the Department and to provide Ms. Pierce-Kent with any assistance that was needed.

REFERENDUM. Councilmember Clark stated that she was given a memorandum from Tom Truex which stated that a number of Davie residents were interested in having a referendum placed on the next ballot to amend the Town's Charter to create single member districts. She commented that she believed the contents of the memorandum were important and requested that the item be placed on the next agenda for discussion.

COUNCILMEMBER COX

CAREER DAY. Councilmember Cox stated that she had attended the Career Day at Flamingo Elementary School and expressed her thanks to the school for inviting her. Councilmember Cox stated that she had some interesting discussions about what Council people did and how the Town was run. She commented that she managed to clear up some of the issues for the children who thought that the Town built restaurants and other things. Councilmember Cox stated that it was very enlightening.

FLAMINGO ELEMENTARY SCHOOL GROUND BREAKING. Councilmember Cox stated that she attended the Flamingo Elementary ground breaking for the new Davie Boys and Girls Club and expressed her thanks to the Boys and Girls Club and the DeGeorge family for funding the building. She stated that the DeGeorge family had donated \$1.5 million to make the building possible. Councilmember Cox expressed her thanks to the Broward County School Board for providing the property and to Council for funding approximately \$400,000. She commented that the Club would become a reality and she was looking forward to it. Councilmember Cox stated that she would like to see Council, as well as the community, try to figure out how to keep the Club operating. She stated that the Davie Boys and Girls Club was funded through donations and the community had to be behind the Club to provide support. Councilmember Cox commented that she would like to see wider support from the community. She stated that this was an important issue and the community needed to get behind that organization so that services and counseling could be provided to the 6,000 children residing in the area. She commented that the more affluent communities needed to support the Club.

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BIKE RALLY. Councilmember Cox expressed thanks to Ms. Stafiej and her staff for the Bike Rally that was held on May 13th. She commented that she and Vice-Mayor Weiner rode from Silver Ridge to Robbins Lodge and Mayor Venis had brought in a crew from Western High School. Councilmember Cox commented that it was a great event and she had a great time. She indicated that the bike trails were now well connected with the new connection from Hiatus Road to Orange Drive.

DAVIE ECONOMIC COUNCIL. Councilmember Cox commented that there were representatives from the Davie Economic Council and she wanted to give them the opportunity to present some information to Council. Vice-Mayor Weiner suggested that the presentation be heard after Mayor/Councilmember comments.

VICE-MAYOR WEINER

MOTHER'S DAY. Vice-Mayor Weiner wished a belated/future happy mother's day to his two daughters. He indicated that he and his family had had a very enjoyable Mother's Day.

BIKE RALLY. Vice-Mayor Weiner stated that he had attended the Bike Rally, riding his bicycle from his home off Nob Hill Road to Silver Ridge and along the route to Robbins Lodge. He indicated that he had then ridden his bicycle down Hiatus Road to Young at Art where an 11th anniversary bash was being conducted. Vice-Mayor Weiner congratulated Young at Art and the work they did with children. He recommended the institute to parents and expressed his pleasure that they were affiliated within the Town.

EQUESTRIANS/HURRICANE SEASON. Vice-Mayor Weiner expressed his belief that a communication network needed to be implemented to assist the public. He questioned if voluntary registration would be helpful in maintaining names, contact numbers and addresses, the types of horses and a listing of special needs so that assistance could be provided during a storm. Vice-Mayor Weiner asked that Council consider this issue at a later date.

BUILDINGDIVISION. Vice-Mayor Weiner stated that he had received several telephone calls concerning the Building Division. He indicated that there had even been one inquiry to the Board of Rules and Appeals concerning the overall construction regulations. Vice-Mayor Weiner stated that the County had visited Town staff and offered assistance with regards to fire inspections and other types of inspections, as well as achieving a 24-hour turn around time for requests for an inspection. He indicated that the Town was having trouble, apparently, due to the level of staffing. Vice-Mayor Weiner indicated that the Town's inspection requests had doubled since 1993; however, staff had not increased. He asked that Council consider giving Building Official Tom Willi and Development Services Director Mark Kutney authority to study what the market for inspectors was like in other municipalities.

FIRE INVESTIGATION. Vice-Mayor Weiner stated that Council had repeatedly asked for an update concerning the fire investigation and indicated that Mr. Middaugh had advised that the investigation was near conclusion. He stated that he and Mr. Middaugh had discussed this before and Mr. Middaugh had assured him that whatever statutory rights people had would be protected. Vice-Mayor Weiner stated that when he was questioned by the detectives, the detectives had advised, either during or after the interview, that there were matters that they were not qualified to investigate. He indicated that the detectives had indicated that those issues were administrative in nature, not criminal or contentious, but protocol, procedure, ability to manage, etc., that they could not investigate adequately. Vice-

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Mayor Weiner stated that the detectives were under the impression that Administration would be reviewing those types of issues. He asked that Mr. Middaugh review those complaints prior to meeting with the two individuals who were subject to the investigation.

STREET VENDORS ORDINANCE. Vice-Mayor Weiner congratulated the City of Hollywood, stating that the the City had considered a street vendors ordinance. He indicated that if the City had approved the ordinance, he would be interested in obtaining a copy so that Council could consider the same.

SUNRISE WATER. Vice-Chair Weiner stated that the City of Sunrise had had a waterline break, which took over a day to repair which caused a lot of grief to Town residents and businesses. He questioned if the Town could file a claim on behalf of the residents and businesses who had to purchase bottled water during this time, the time and aggravation it took to boil water, or for any person who might have been exposed to contaminated water, such as Mayor Venis who was ill this evening.

COUNCILMEMBER PAUL

PRAYER. Councilmember Paul stated that on a sad note, she wanted to say a prayer for her dog Suds who passed on last night. She stated that it was a rough evening and it had been a hard day. Councilmember Paul commented that anyone who was an animal lover knew what it was like to lose a pet. She stated that during her election campaign, she had mentioned that she was a foster parent for Pets In Distress and within several days of the flyer being distributed, she came home and found the dog tied to her fence with a blanket and a bowl of water. She commented that Pets In Distress wanted to put the dog up for adoption and she would foster him until he was adopted, but she fell in love with him and decided to keep him. Councilmember Paul stated that it was two and a half years of love and devotion and she was going to miss him.

MOTHER'S DAY. Councilmember Paul stated that she had attended the Mother's Day Tea at the Old Davie School and expressed her thanks to Mary Delborella for her work.

BOYS AND GIRLS CLUB. Councilmember Paul stated that she too would like to express her thanks to the DeGeorge family for their generous donation to the Boys and Girls Club. She stated that she had also attended the ground breaking ceremony at the Flamingo Elementary School.

AL TYLER. Councilmember Paul stated that she was proud of the ceremony where a tree was dedicated to Al Tyler who was a very strong advocate for citizen rights. She commented that it was nice to see his family there.

RANCH ROAM. Councilmember Paul stated that Ranch Roam was held on May 13th. night and expressed thanks to Ron Bergeron for working on it. She commented that Mr. Bergeron had indicated that in doing Ranch Roam, over \$600,000 had been raised for Davie's Boys and Girls Club.

DAVIE WATER ADVISORY BOARD. Councilmember Paul stated that she had noticed in the minutes from the last water Board meeting, it was mentioned that the Board voted on including rain sensors on sprinkler systems. She indicated that she would like to receive a report to find out where that was in the system. Councilmember Paul stated that she had spoken about that sometime ago and she applauded the Board for taking that action.

POLICE EXPLORERS GRADUATION. Councilmember Paul stated that she had attended the Police Explorers graduation on May 12th. She commented that it was a nice experience and it was great to see the entire command staff of the Police Department, other Explorers and

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police officers come out to support the young people who were graduating. Councilmember Paul indicated that there were three graduates, each of whom had received an award. She stated that Tim Parisi received the award for Most Improved Cadet, Todd Yoder received second in Academic Honors with a GPA of 97.8, and first place went to Tamara Rogue with a GPA of 98.8. Councilmember Paul commented that it was a nice experience and she would like to have a presentation for the graduates at the next Council meeting.

ORANGE DRIVE TRAFFIC WAYS. Councilmember Paul commented that she was disappointed when she first looked at the upcoming agenda that taking Orange Drive off the trafficways had not been included. She indicated that after speaking with Mr. Middaugh, this issue would be placed on the June 7th Agenda. Councilmember Paul stated that during the original discussion regarding removing Orange Drive from the trafficways, she had questioned why it would stop at 142nd Avenue as she had wanted it to go as far as Shotgun Road. She commented that Councilmember Cox had mentioned that there were other issues involved and maybe the Town should wait and so it was decided to only take Orange Drive off from Davie Road to 441. Councilmember Paul stated that she had thought this would be discussed but was surprised that Mr. Kutney had forwarded a letter in April 1999 to the County dropping the Town's request to totally remove Orange Drive from the traffic ways from Davie Road west. She indicated that the process would have to begin over again. Councilmember Paul stated that preserving Orange Drive as a two lane rural was a promise made to her and others sometime ago when the discussion first began regarding widening Griffin Road. She commented that it had been reiterated over the years by many Councilmembers and was mentioned by citizens during her campaign. Councilmember Paul indicated that she believed other Councilmembers had also discussed maintaining Orange Drive as a two-lane rural road as much as they could and she was happy that this would be discussed again under new business.

5. TOWN ADMINISTRATOR'S COMMENTS

MAYOR VENIS. Mr. Middaugh stated that Mayor Venis had asked him to mention that he was in the Emergency Room suffering from kidney stones. He commented that Mayor Venis had assured him that he would be in fine shape for his wrestling match on Saturday.

DRAINAGE STUDY. Mr. Middaugh stated that there had been ongoing discussions on drainage problems in the Town, particularly since Hurricane Irene. He indicated that the Town had participated in a four agency study that would regionally review drainage, not entirely in Davie but in other areas as well. Mr. Middaugh stated that the partnership involved Cooper City, the County, Davie and the Central Broward Drainage District. He indicated that the other parties involved chose to move slower than the Town would have liked and went out for a formal request for proposals that had delayed the process, however, Craven & Thompson had recently been hired to begin the study. Mr. Middaugh indicated that despite the Town's objection, Central Broward Drainage District had granted an extension of three months, and the study would now take six months to be completed. He commented that the Town was out-voted and some of the partners did not share the same concern for having the study completed. Mr. Middaugh suggested that in order to prevent further lost time, he was seeking Council's permission to authorize staff to also hire Craven & Thompson for a specific engagement to piggyback on the regional study, at a cost of \$5,000. He indicated that this would be a focused study on specific collection areas and needs of the Town, something that would have had to be done either as part of, or following, the study.

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Mr. Middaugh commented that there was no need to wait for the study as the information obtained would be useful to the Town and could be submitted to Council in a timely manner. In doing so, it could be added to this year's Capital Program so that work could be done on some of the drainage issues. Councilmember Clark inquired whether this had to be placed on the agenda, with Mr. Middaugh responding that he did not really need a motion, but he hoped that Council was interested enough to want to show its support. Vice-Mayor Weiner inquired whether or not a motion was needed for more than \$5,000 or less than \$5,000 with Mr. Middaugh responding that he needed a motion for more than \$5,000 but not less than. Council offered no objection.

STAFF RECOGNITION. Mr. Middaugh recognized Glenn Irwin who was leaving the Town's employment. He commented that Mr. Irwin had been employed by the Town for approximately seven years in the Community Redevelopment Agency and would be taking a similar position in Ocean City, Maryland. Mr. Middaugh stated that the Agency had made great strides under Mr. Irwin's directorship and commented that he had enjoyed working with Mr. Irwin.

Mr. Irwin commented that he was proud that Davie had seen redevelopment as being important particularly on the east side. He stated that he had had a great board to work with, a supportive Council and Town staff who had been willing to assist him when he had problems. Mr. Irwin indicated that he appreciated the assistance and felt sure that the redevelopment would continue.

AGENDA ITEM. Mr. Middaugh stated that he was requesting that an item be added to the agenda regarding the transit issue. He indicated that the Broward County Commission voted to approve an additional one cent gas tax and was in the process of obtaining a local agreement from 51 percent of the municipalities. Mr. Middaugh stated that the County Commission wanted the Town to find a way to consider the increase. He indicated that this agreement was directly related to the transit proposal on the agenda regarding implementation in Davie and he was urging Council to pass it. He also asked that the transit item be moved up so both items could be discussed at the same time.

Vice-Mayor Weiner stated that if there were no objections, the item would be added to the agenda as 7.34 and asked whether or not Council would consider adding Councilmember Comments in the Davie Update as 7.35. Mr. Middaugh indicated that the items were not to be considered Consent Agenda items as he would like to discuss the resolution and the transit presentation at the same time. Vice-Mayor Weiner suggested that the resolution be added as 12.9 and if there were no objections, that the discussion on the Davie Update be added as 12.10. Mr. Middaugh indicated that the Transit Shuttle Program was 12.1 with Vice-Mayor Weiner responding that both items 12.1 and 12.9 could be discussed at the same time.

Vice-Mayor Weiner inquired whether or not there was any objection to item 12.9, the resolution distributed by Mr. Middaugh or item 12.10, discussion of the Davie Update. Council offered no objection to either item.

6. TOWN ATTORNEY'S COMMENTS

Mr. Kiar stated that he was honored that Council had selected him as the Interim Town Attorney and his goal was to provide the finest possible representation. He indicated that he had been spending a lot of time on Council matters and that there would be occasions

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when he would be required to be in two places at the same time. Mr. Kiar commented that he had made arrangements to have the counsel to his firm represent him so every meeting would be covered.

LITIGATION. Mr. Kiar stated that concerning the Sunrise litigation, he had attended a motion that was filed by the City of Sunrise to abate the legal proceedings pending negotiations. He indicated that this was strenuously opposed by special counsel, Mr. Serota. Mr. Kiar commented that this was taken under advisement by the judge who would be ruling on the motion soon. He stated that the significance of this was that if the motion was granted, the possibility existed that the litigation would not go to trial in June as expected. Mr. Kiar indicated that he would inform Council when he received word on the judge's ruling. On Mr. Serota's behalf, Mr. Kiar requested that an Executive Session be scheduled. Mr. Kiar commented that he believed this was important as Council's input and direction was needed as to how counsel should proceed with the mediation.

Councilmember Cox commented that Mr. Kiar had indicated that the judge had been asked to defer the trial due to negotiation and inquired which negotiations were standing in the way of the trial. She inquired whether it was the negotiation for the 25% surcharge or negotiation over the water line acquisition. Mr. Kiar stated that Chapter 164 provided for specific requirements such as duties to negotiate. The position of the Town and Mr. Serota was that this Statute was not in effect when the lawsuit was filed and the City of Sunrise should be bound by the provisions of which were in effect when the litigation was instituted. Mr. Kiar indicated that Sunrise's argument was that this matter was retroactive, but that was not the Town's position.

Councilmember Clark requested an update on the 142nd Avenue litigation. Mr. Kiar commented that the Town served its answer in February and the plaintiff had moved for summary judgment. The position of the plaintiff and her attorney was that there was no justiciable issues of fact and that they should win. He stated that the case was scheduled to be heard in July and he had sent a letter to the plaintiff demanding that certain documentary evidence be produced which would be helpful to the Town. Mr. Kiar stated that he was also preparing an opposition to the plaintiff's summary judgment because he wanted the Court to have all the facts to enable the judge to make an informed decision.

Vice-Mayor Weiner indicated that with regard to the Sunrise litigation, Mr. Kiar was requesting an Executive Session be scheduled which would be added as item 7.34. He inquired whether or not Council had any objection and none were noted.

Vice-Mayor Weiner commented that the Economic Development Council and the Davie/Cooper City Chamber of Commerce wanted an opportunity to address an item which was scheduled towards the end of the meeting. He indicated that item 12.7 would be taken out of order.

12.7 November 7, 2000 Referendum - Supermajority Vote

Jim Inkelbarger, Chair of the Davie Economic Development Council (EDC), expressed his thanks to Council for allowing him the time to follow-up with the letter Council had received pertaining to the referendum. He stated that his main comments were that the EDC would like to have time and notification regarding the referendum and issues that were coming up affected the EDC. He indicated that since this was a Charter issue, the EDC would

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like to have input as well as discussions with the development community and citizens in order to study the economic impact that there might be. He stated that he was not aware whether or not Council would be voting tonight, but since the EDC was not informed, he wished to have time to discuss the issue and give an input from the EDC point of view.

Vice-Mayor Weiner inquired whether anyone else wanted to discuss the issue.

Ms. Broleman indicated that the Chamber should also be allowed time to discuss this issue. She advised that there was no prior knowledge and asked Council to table the item until there was a chance to discuss it.

Mike Bender, 14800 SW 31 Court, stated that there had been two meetings on this item, including first and second readings, which were passed unanimously by Council. He indicated that this was not an anti-developer ordinance but rather a pro-quality development ordinance and was something that the residents wanted. Mr. Bender stated that this issue should be placed on a referendum to enable the residents to vote.

Councilmember Paul stated that when an item was under New Business, it did not mean that action would be taken, but simply that it might be placed on the agenda at a future date in the form of an ordinance to be presented as a referendum. She commented that there was a limited amount of land left in Davie and it was important to a strong tax base in order to maintain the level of services without having to raise taxes. Councilmember Paul indicated that she did not believe anybody was interested in limiting commercial development but rather to see responsible development. She commented that because most of the available lands were adjacent to residential areas, Council had to make sure that specific criteria, such as compatibility and traffic, were carefully viewed and weighed with consideration for both the development side and the residents side. Councilmember Paul stated that she had no problem in allowing the EDC the opportunity to speak and she wanted to move forward with this issue. She commented that the Town had a policy whereby the public could speak on an ordinance both at the first reading and the second reading. Councilmember Paul indicated that she had mentioned to Mr. Middaugh that the November ballot might be crowded, but she would be willing to place it on the March ballot which would allow additional time for discussion with the EDC. She indicated that she wanted to let the EDC know that Council was more than happy to listen to its concerns, but at the same time felt that it was important that the residents feelings and opinions be weighed as highly as that of any other group or organization coming before Council. Councilmember Paul stated in the long run, Council would have to answer to the public.

Councilmember Cox stated that she would like to see Council receive input from the EDC as well as other economic organizations within the Town. She indicated that there were elements within the community that spoke for economic development while there were other elements who spoke regarding the quality of life and she believed that both could be brought together. Councilmember Cox indicated that a dialogue between both sides would be beneficial. What the economic people saw and what the residents saw were important and having that dialogue could assist the Town in sorting out some of the problems that people perceived. Councilmember Cox stated that if both groups could meet and air their concerns and differences, she would like to see the discussions continue. Councilmember Cox commented that at the first budget hearing, there was request from the Police Department for 30 new employees, as well as 21 new firefighters, which had to be paid for and in order to do that, the Town had to look at economic development.

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Concerning the Boys and Girls Club, Councilmember Cox indicated that all the funds from Ranch Roam did not only go to the Davie Club but other clubs as well. There was also the question of funds to run the bus service and the EDC was trying to assist in finding answers. She stated that the revenue to hire employees was fueled by businesses and the economic development of the Town. Councilmember Cox commented that some of those funds were provided by taxpayers and gas taxes as well as other revenue streams and those should be tapped into to make them work in the best possible way. She indicated that the Town needed make the best and the most of the resources available. Councilmember Cox indicated that she agreed with Councilmember Paul that land was probably the best and biggest resources left and how it was used was a very important issue and a very important solution to financial problems and financial obligations. She commented that she would like to tap into the expertise of the EDC and use it to assist the Town in providing high quality services for the residents.

Councilmember Clark commented that Councilmember Paul's work on the supermajority issue sent a clear message that was not against development but that the Town should be more careful on the choices of development that was brought to the Town. She stated that she would hate to see all developments accepted because there was need for a tax base. Councilmember Clark stated that it was a fact that the Town had a large budget and needed a tax base, but the supermajority vote was to protect the interest of the Town. She indicated that she believed the supermajority vote could be placed on the November ballot and still leave room for discussion with the EDC. Councilmember Clark commented that she would support Council's decision if it tabled the item to allow for further communication to place it on the March ballot, but she did not believe that there would not be enough time for discussion to place the item on the November ballot.

Councilmember Paul stated that regarding the concept of equal playing field, everyone knew that when a quality project was seen that met all the criteria, it would get a unanimous vote. She indicated that at the last meeting, the issue of the land use change on the property at the corner of Stirling Road and University Drive indicated the realization that more office space was needed in this community. Councilmember Paul explained that an office park or a campus type situation was needed which would serve everyone's purpose. She stated that the Town was involved in the Broward Alliance and this would be an opportunity to see how the Alliance could be of assistance. Councilmember Paul commented that the Town was paying to be a part of the Alliance and for their services and perhaps it could assist in looking for the type of development that the Town felt would best suit the remaining parcels of land. As far as the time constraint, she understood Councilmember Clark's point and believed that that may have some bearing on her discussion regarding single member districts. Councilmember Paul commented that there was a previous discussion indicating that the upcoming November ballot maybe crowded and that Council could go through the motions only to find out that nothing could be placed on the ballot, which would be unfortunate. She indicated that perhaps delaying the matter until March provided some assurance and having the ordinance in place provided some protection. Councilmember Paul stated that Mr. Webber had given a legal opinion at the time that Council had proceeded with the ordinance and this was meant to be a temporary measure until it could be placed on the referendum for a Charter amendment. She commented that she did not have a problem with waiting until everyone had had a chance to discuss this issue. Councilmember Paul

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indicated that this was something that the residents felt very strongly about and it was something that she was committed to and wanted Council to move forward but to allow everyone the opportunity to speak.

Town Clerk Reinfeld stated that she had contacted the Supervisor of Election's Office to find out when they could advise when an item could be placed on the ballot. She stated that she was advised that the item would have to be provided for the ballot by the week of September 4th, which meant that the item would have to be approved in August with no guarantee that it would be placed on the ballot. Town Clerk Reinfeld indicated that Mr. Kiar would have to research whether an ordinance or resolution could be prepared that did not have a time certain or a referendum question. Vice-Mayor Weiner questioned whether or not approval could be given for the November 7th election and if it fell through, it could be brought up again. Town Clerk Reinfeld responded that that was possible, but Mr. Kiar would have to advise on that. She stated that if that could be done, the Town would be passing an ordinance without knowing whether it would be placed on the ballot until after the ordinance was passed.

Councilmember Cox stated that the concern of the supermajority vote was changes to the Land Use Plan and generally speaking, it was a two year process. She commented that problems arose with small scale plans that came in for land use amendments which could be passed at the Council level. Councilmember Cox indicated that if it was a large scale plan, it gave the public the opportunity to make comments. She stated that she wanted everyone to be aware of the process because land use amendments were different from zonings.

Vice-Mayor Weiner commented that he received a call from Mr. Abraham who was originally opposed when Councilmember Paul had presented the concept to him without knowing what the concept was. Realizing that the idea was not about denying changes in land use but if changes were being made, the residents and other businesses in the community would have to be shown a project that they would be willing to welcome into the community. Vice-Mayor Weiner stated that he would like to have a discussion so that the item could be placed on the November ballot. He commented that he believed that if there was a good project, it would go through. Vice-Mayor Weiner stated that he would like to see the residents given the opportunity to vote to see whether or not they wanted a supermajority vote on land use changes.

Councilmember Paul stated that based on the discussions that she had heard, she was willing to go the extra mile for the additional time. She indicated that if this item was not placed on the next agenda, then Council could proceed with the idea that if it did not make the November ballot it could be placed on the March ballot. Councilmember Paul commented that as long as Council was aware of the two readings in August, it gave some room to place it on the agenda of the first meeting in July. Town Clerk Reinfeld indicated that it was possible that the referendum could be approved by resolution rather than by ordinance as it had been done both ways before.

Councilmember Paul suggested that this item be placed on the agenda for a first reading at the first meeting in July and she requested a workshop in June to bring some of the parties together for a discussion. Councilmember Cox indicated that there was a joint meeting scheduled for May 31st and that would be a way to open the discussion.

Vice-Mayor Weiner indicated that with regard to the May 31st meeting, his position was known. He commented that he had a hearing in Tallahassee on June 1st and he wanted someone to reiterate what his position was on the issue.

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Councilmember Paul made a motion, seconded by Councilmember Clark, to move forward with the item either as a resolution or ordinance, whichever was deemed appropriate for the first meeting in July with a series of meetings beginning with the May 31st workshop and also a workshop in June to bring the parties together for discussion. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 4-0)

7. CONSENT AGENDA

Proclamations

7.1 National Public Works Week (May 21 - 27, 2000)

7.2 Civility Month (May 2000)

Parade Permit

7.3 Scoutmaster's Camporee Committee BSA, South Florida Council (May 29, 2000; 10:00 a.m. to 11:00 a.m.)

Home Occupational License

7.4 Gregg La Pierre, 14171 SW 37 Court

Resolutions

R-2000-94 7.5 **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) (tabled from May 3, 2000)**

R-2000-95 7.6 **CHILD CARE/SUMMER PROGRAMS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RESPONDING TO RFP 21-001N BETWEEN THE SCHOOL BOARD OF THE COUNTY, FLORIDA, WHICH IS A GOVERNING BODY OF THE SCHOOL DISTRICT OF THE COUNTY, FLORIDA, AND THE TOWN OF DAVIE, A NON-PROFIT PROVIDER FOR BEFORE AND AFTER SCHOOL CHILD CARE AND/OR ON-SITE SUMMER RECREATION PROGRAMS. (\$2,000)**

R-2000-96 7.7 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A 75 FT. AERIAL QUINT PIECE OF FIRE APPARATUS, CITY OF TALLAHASSEE BID NO. 2166-95-R01-1GG. (Emergency One, Inc.; \$488,129)**

R-2000-97 7.8 **PROPOSAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE PROPOSAL FOR AN INDEPENDENCE DAY FIREWORKS DISPLAY AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SUCH SERVICES. (Zambelli Internationale; \$15,000)**

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- 7.9
R-2000-98 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO PURCHASE SUPPLIES FOR THE DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) PROGRAM. (not to exceed \$15,000)**
- 7.10
R-2000-99 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF UNITEL UNDERCOVER COMMUNICATIONS EQUIPMENT WITH FUNDS FROM THE LAW ENFORCEMENT TRUST FUND (Audio Intelligence Devices, Inc.; \$11,075)**
- 7.11
R-2000-100 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO PURCHASE EQUIPMENT FOR THE SPECIAL RESPONSE TEAM OF THE POLICE DEPARTMENT (not to exceed \$15,000)**
- 7.12
R-2000-101 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPLEMENTING R-95-50, TO ENHANCE AND EXPAND THE COMMUNITY RELATIONS UNIT AND AUTHORIZING THE EXPENDITURE OF \$2,000 FROM THE LAW ENFORCEMENT TRUST FUND (not to exceed \$2,000)**
- 7.13
R-2000-102 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE FOR DAVIE POLICE SPECIAL INVESTIGATIVE FUNDS FROM THE LAW ENFORCEMENT TRUST FUND (\$6,000)**
- 7.14
R-2000-103 **ADAPT PROJECT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO PARTICIPATE IN AND FUND THE FIFTH YEAR A.D.A.P.T. PROJECT. (\$12,688, with remaining costs to be paid from the Law Enforcement Trust Fund in an amount not to exceed \$25,000)**
- 7.15
R-2000-104 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO A CONTRACT WITH THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO, FOR SCHOOL PROXIMITY TOBACCO ENFORCEMENT (reimbursement of \$32,199.68)**
- 7.16
R-2000-105 **REVISING/RETITLING CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING AND RETITLING THE CLASS SPECIFICATION OF COMMUNITY SERVICES COORDINATOR TO EVENTS SPECIALIST IN THE NON-REPRESENTED CLASSIFICATION PLAN.**

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- 7.17
R-2000-106 **PRE-EMPLOYMENT DRUG SCREENING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CLARIFYING RESOLUTION R-95-115 REGARDING THE ADMINISTRATION OF PRE-EMPLOYMENT DRUG SCREENINGS AS PART OF THE HIRING PROCESS FOR THE TOWN OF DAVIE.**
- 7.18
R-2000-107 **BARGAINING AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2315.**
- 7.19
R-2000-108 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN PROJECT STABLE OF THE COUNTY AND THE TOWN OF DAVIE (rental fee \$1,000 and waiver of \$1,000; November 2 - 5, 2000)**
- 7.20
R-2000-109 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN VANISHING SPECIES WILDLIFE AND THE TOWN OF DAVIE (rental fee \$500 and waiver of \$500; July 7 - 8, 2000)**
- 7.21
R-2000-110 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE SEVENTEENTH AMENDMENT TO 1988 INTERLOCAL AGREEMENT BETWEEN the County AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE THE COUNTY LOCAL OPTION GAS TAX ORDINANCE. (base gas tax)**
- 7.22
R-2000-111 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE 1993 THE COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE. (supplemental gas tax)**
- 7.23
R-2000-112 **GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION, ACCEPTANCE AND FUNDING OF THE UNIVERSAL HIRING GRANT FOR EIGHT ADDITIONAL POLICE OFFICERS UNDER THE COMMUNITY ORIENTED POLICING PROGRAM ADMINISTERED BY THE U.S. DEPARTMENT OF JUSTICE (grant amount - \$1,000,000; matching funds - \$390,928)**

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- 7.24
R-2000-113 **GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR GRANT FUNDING AND APPROVE THE EXPENDITURE, IF GRANT IS AWARDED, UNDER THE FLORIDA MOTOR VEHICLE THEFT PREVENTION AUTHORITY PROGRAM ADMINISTERED BY THE FLORIDA OFFICE OF THE ATTORNEY GENERAL (grant amount - \$35,219)**
- 7.25
R-2000-114 **DESIGN/BUILD SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF THE HASKELL COMPANY TO PROVIDE DESIGN/BUILD SERVICES FOR IMPROVEMENTS TO PINE ISLAND PARK AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE A CONTRACT FOR SUCH SERVICES. (\$3,600,000)**
- 7.26
R-2000-115 **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT CHANGE ORDER FOR THE OAKES ROAD/BURRIS ROAD REALIGNMENT PROJECT.**
- 7.27
R-2000-116 **DISTRIBUTION OF FUNDS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LETTER SUPPORTING THE DISTRIBUTION OF FEDERAL ANTI-DRUG ABUSE FUNDS IN THE COUNTY.**
- 7.28
R-2000-117 **REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE ACCESS OPENING OF THE "HERITAGE BUILDING PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 4-4-00, east side of Davie Road between Griffin and Stirling Roads)**
- 7.29
R-2000-118 **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, the County, AND FLETCHER L. SESSOMS, INDIVIDUAL; PROVIDING FOR THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN PROGRESS RELATED TO THE SESSOMS PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. (DA 4-2-00, 7485 Davie Road Extension)**
- 7.30
R-2000-119 **REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE SITE AREA AND ACCESS OPENING OF THE "SESSOMS PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 4-4-00, 7485 Davie Road Extension)**

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7.31 **REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2000-120 **AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE**
"PELICAN COAST PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 4-
3-00, 405 SW 148 Avenue)

7.32 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2000-121 **AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN**
THE COUNTY AND THE TOWN OF DAVIE FOR INSTALLATION OF
BANNERS ON THE COUNTY STREET LIGHT POLES WITHIN THE TOWN
OF DAVIE.

Site Plan

7.33 **SP 2-2-00, Sessoms Office Park, NW 75 Avenue and Davie Road Extension (B-**
2) Planning and Zoning Division recommended approval subject to the
planning report; Site Plan Committee recommended approval subject to staff's
recommendations and adding the Committee's recommendation to paint the
recessed areas white instead of gray, and to widen the overhang in the front by
increasing the two eight-inch columns to match the side [front corners]
columns which were approximately three feet [wide]

Vice-Mayor Weiner asked that items 7.7 and 7.18 be removed from the Consent Agenda. Councilmember Paul asked that items 7.20 and 7.22 be removed.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 7.7, 7.18, 7.20, 7.22 and 7.34. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 4-0)

7.7 Vice-Mayor Weiner believed that it was well overdue that the fire apparatus be upgraded and replaced. He asked Fire Chief Michael Donati where the new equipment would be housed. Chief Donati replied that the apparatus would be housed at Station 65. Vice-Mayor Weiner asked Chief Donati if he could devise a plan that would identify where the new and old units were to be housed and why, stating that perhaps "we" might want to reposition the equipment based on a total study. Chief Donati explained that once the Town was able to staff the new apparatus, it would be housed at the station located on Flamingo Road. Vice-Mayor Weiner asked if the platform would then be moved to the downtown station. Chief Donati replied affirmatively, stating that in this manner, the Town would have aerial equipment on the east and west sides of town. Vice-Mayor Weiner believed that this was the reason a plan needed to be devised.

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

7.18 Vice-Mayor Weiner stated that Mr. Middaugh had advised that Local 2315 had ratified the agreement and questioned if he had received a copy of the agreement. Mr. Middaugh replied affirmatively, stating that the agreement was part of the agenda back-up. Town Clerk Reinfeld concurred and indicated that the red-lined version of the articles being changed were located in the pocket of the agenda binder. Vice-Mayor Weiner asked if the

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contract attached to the resolution was the final version. Town Clerk Reinfeld replied affirmatively. Vice-Mayor Weiner stated that he assumed that if Council also ratified the contract, the firefighters' contract was now done. Mr. Middaugh replied affirmatively.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve 7.18. Vice-Mayor Weiner asked if, in the absence of the Mayor, he was to sign the contract. Town Clerk Reinfeld replied affirmatively.

Vice-Mayor Weiner asked if there was any opposition to ratifying the contract. There were no objections noted. Vice-Mayor Weiner announced that the motion passed by acclamation. (Motion carried 4-0)

7.20 Councilmember Paul stated that this was an agreement for Vanishing Species Wildlife to do a program in the Bergeron Arena and Rodeo Grounds. She stated that she would like Council to waive all fees for this organization. Councilmember Paul stated that this organization had attended every Town event and they did a great deal for the Town. She commented that so far this year, Vanishing Species had attended six events where they had donated their services. Councilmember Paul indicated that the Vanishing Species usually charged \$500 to be at an event, and they had not charged the Town for the six events that they attended this year, not to mention what they did in the past. She commented that their programs would be educational, something she knew everyone was interested in educating their children in the saving of wildlife.

Councilmember Paul made a motion to amend the resolution to waive the fees for both days. Vice-Mayor Weiner commented that a budget workshop was held recently and there was discussion about Councilmembers having an account to fund projects which this item was not subject to. Vice-Mayor Weiner commented that as economic development was discussed and the hiring of new personnel and funding, whenever there was a waiver of funds that meant lost revenue to the Town. He indicated that there was no doubt that the projects were worthwhile, but there would have to be a discussion in the future regarding waiver of fees for this project, parade permits fees, fees for Christmas tree sales as well as other items. Vice-Mayor Weiner commented that depending on Councilmember Paul's perspective of how revenue was generated in the Town, there had to be a serious discussion. Councilmember Paul commented that this item could be added when item 12.3 was discussed.

Councilmember Clark seconded the motion.

Councilmember Cox stated that in this particular case, because Vanishing Species Wildlife had attended and supported so many affairs in the Town without charging a fee, her views were different. However, she agreed with Vice-Mayor Weiner that as a policy issue, she would probably feel different had there not been so many events this year. Councilmember Cox commented that in lieu of the fact that they had given so much to the Town this year, she was willing to forego the fees.

In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

7.22 Councilmember Paul stated that she wanted clarification of the figures on the amendment and commented that she was concerned about the population figures which appeared to be very low. Vice-Mayor Weiner asked if the figures were based on the 1990 Census Data. Mr. Middaugh explained that the data in question was the last one received from the University of Florida. Vice-Mayor Weiner recalled a similar discussion regarding

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redistricting and there had been some confusion as to whether the data from the University of Florida or Florida Atlantic University (FAU) should be used, and the FAU data was used. The agreements, at least for gas tax purposes were consistent for all municipalities with the same benchmark, so the Town was in the same "slice of time" as everyone else equally by using the University of Florida data. Vice-Mayor Weiner indicated that it would be updated as the Town moved forward with new data, but it was always the same identified piece of data so that the Town did not get into redistricting problems. Councilmember Paul asked in what year the data came out with Town Clerk Reinfeld responding that the data came out in 1999 for September 1998. Vice-Mayor Weiner stated that the only point he would make with regard to that representation was that he believed Mr. Middaugh's position was correct, but Davie was unique in terms of its growth and the numbers always put the Town at a disadvantage in relation to the data whether near or below, and that lent to Councilmember Paul's concerns were. Mr. Middaugh indicated that he understood that the Town would be hard pressed to make a case and would be treated differently than other municipalities.

Councilmember Clark indicated that she recalled when the discussion ensued regarding passing the one cent tax, Mayor Venis had made a comment regarding the population numbers. She commented that there was a representative present and a meeting was supposed to take place as well as a follow-up with the County. Mr. Middaugh indicated that the question was whether or not the FAU data could be used which turned out to be no. Councilmember Paul asked if the Town was locked into "this", with Town Clerk Reinfeld responding in the affirmative.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve. Vice-Mayor Weiner asked if there was any further discussion and if Councilmember Cox had any opposition to the motion. Councilmember Cox responded negatively. Vice-Mayor Weiner announced that the motion passed by acclamation. (Motion carried 4-0)

8. PUBLIC COMMENTS

Ordinance - First Reading (Public Hearing to be held June 7, 2000)

8.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL ESTATE DISTRICT (COUNTY), 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 3-2-00, Synalovski Gutierrez Architects, Inc./Jaffe at 595, Inc., 10200 State Road 84)

Town Clerk Reinfeld read the ordinance by title. Vice-Mayor Weiner advised that a public hearing would be held on June 7, 2000.

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

Councilmember Paul stated that she was concerned with the drainage and the effect it would have on the farm to the west.

An unidentified man indicated that he did not recall the comment regarding the drainage; however, he was aware of Councilmember Paul's concern as to the land use.

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Councilmember Paul indicated that the concern of the owners and Mr. Duncanson was very serious about the development of certain pieces of land, the impact on the agricultural property in terms of the elevation and the drainage onto the other property.

Mr. Middaugh indicated that he recalled the question that was asked at the previous meeting and also recalled that Mr. Synalovski had addressed the issue by explaining that the parcel did not allow water to be passed to another property. He commented that there had been no follow-up to the discussion. Councilmember Paul explained that she wanted her concerns on record.

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

9. PUBLIC HEARINGS

Ordinances - Second and Final Reading

9.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2000-15 **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 May 3, 2000)**

Town Clerk Reinfeld read the ordinance by title.

Vice-Mayor Weiner asked if anyone wished to speak for or against the ordinance.

Margaret Croxton, representing the petitioner, commented that in addition to the letters previously presented to Council from people offering support, there were people present who were willing to testify on behalf of her company. Ms. Croxton stated that Mr. Rosciolli and Mr. Klein had been willing to walk door to door to make the residents of Lauderdale Isles aware of the situation, and she had been asked to explain a few things based on information mentioned in a newsletter.

Ms. Croxton commented that Mr. Starkweather mentioned in his newsletter that boat manufacturing was planned at Rosciolli and that the Town's Development Code would

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allow Rosciolli and Bradford to change their existing maintenance yards into ship manufacturing facilities. She advised that this was inaccurate. The newsletter also stated that there would be increased intensity of use of the areas now occupied by Bradford and Rosciolli which was also inaccurate. Ms. Croxton stated that she was asked by Councilmember Clark if the company did manufacturing. She stated that nothing was going to change at Mr. Rosciolli's yard and she was sure Bradford could speak for themselves. Ms. Croxton commented that they would be acquiring an additional 3.19 acres which would allow them to move some things around to provide more room in order to erect another building. Ms. Croxton indicated that they would not be building boats and there would be nothing different taking place. She commented that Mr. Rosciolli had spent approximately \$1,000,000 in four years and this was not done to come before Council with a rezoning issue that he thought would be a shock.

Ms. Croxton stated that the firm manufactured boats at the yard in Bradenton because the location here did not provide adequate space. She stated that three-quarters of the company's business was repair and they also manufactured parts and pieces. Ms. Croxton stated that the company's business for the past 40 years would continue on the same property and in the same place, however, the new building would allow the company to operate more efficiently, be cleaner and to become more attractive. She stated that the reason Marina Mile had received a lot of support was because the additional building would allow them to clean up the front and allow them to have a little more space to do things correctly. Nothing had changed, and a newsletter with information that scared residents into thinking that Davie was going to allow manufacturing was incorrect. Ms. Croxton indicated that Councilmember Clark had asked Mr. Rosciolli how many complaints he had had in 40 years against Bradford and Rosciolli and the answer was none.

Ms. Croxton indicated that Mr. Rosciolli's plan for rezoning had also been presented to Council and he had met with residents and hopefully had resolved any problems that were present. She stated that the industry in general, was not happy with the Town's amendment of 130 feet and 180 feet. Ms. Croxton commented that she wished that Council had taken a tour of the business to make an observation.

George LeMieux, an attorney representing the petitioner, distributed packets to Council containing information. He stated that Bradford Marine had been in business at its present location since 1966 and employed between 160 and 180 craftsmen who repaired and stored yachts up to 170 feet. Mr. LeMieux stated that there had been no complaints regarding the repair or storage facility. Mr. LeMieux commented that it was important for Council to understand that Bradford Marine did not manufacture boats, but they repaired and stored boats. He indicated that there was concern when the ordinance was reviewed and the language revealed that a special permit approval was required for yachts over 130 feet. The reason for concern was that Bradford Marine had been repairing and storing yachts over 130 feet since the mid 1960s. Mr. LeMieux explained that this would be onerous on the business since they were not aware of what the criteria of the language would be for the special permit, and as such this would create difficulty for the business since that was their existing use. He indicated that the operation was clean and very quiet and provided a great source of revenue for the community. Mr. LeMieux commented that there were representatives present from the Marine Industries Association as well as a letter from Frank Hierhold explaining the great advantages that yachting had provided to South Florida, specifically Bradford Marine.

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Mr. LeMieux stated that the existing language in the ordinance would present problems for his client. He indicated that if Bradford Marine was unable to repair or store yachts over 130 feet, the company would be forced to lay-off employees, some of whom were Davie residents. Mr. LeMieux explained that he would be willing to meet with Councilmembers to review the proposed language. He indicated that the company was not expanding and they did not manufacture yachts, and he did not believe that the residents of Lauderdale Isle had any difficulty with the business.

Councilmember Cox asked Mr. LeMieux to show her where he would store a vessel of 180 feet if it was brought into his yard. Mr. LeMieux deferred to Paul Engle, President of Bradford Marina.

Mr. Engle explained that there had been vessels of 172 feet coming to Bradford Marines for 12 years. Councilmember Cox asked if the building could accommodate a vessel of 172 feet, with Mr. Engle responding affirmatively. He explained that one portion of the building was 200 feet in length and another portion was 45 feet in height. Councilmember Cox inquired if larger vessels were brought into the west half of the boat yard, with Mr. Engle responding affirmatively. Councilmember Paul asked what the length was of the outside building where the 172 feet yachts were stored, with Mr. Engle responding that the building was approximately 155 feet.

Councilmember Clark disclosed that she had spoken with Mr. LeMieux earlier in the day and was given some information. She inquired if Bradford Marine accommodated yachts over the size of 130 feet and whether or not this was done on a regular basis for several years, with Mr. Engle responding affirmatively.

Vice-Mayor Weiner asked what the length restriction was for the Code that Bradford Marine was operating under, with Mr. Engle responding that it was 100 feet for everyone. Vice-Mayor Weiner disclosed that he had spoken with Mr. LeMieux prior to the meeting and had told him he would wait to hear the presentation.

Councilmember Clark asked if the reason for the 180 feet restriction was because that was all the river could take and not for the marina which was already accommodating vessels of that size. Mr. LeMieux commented that his company had not proposed the 180 feet limitation, it was their belief that 180 feet was the limit on a boat that could come that far upstream. Councilmember Clark commented that she believed that was how staff arrived at the number. She commented that as was mentioned previously by Ms. Croxton, this had been done for many years and had not affected the community in a negative way. Councilmember Clark stated that she had not seen any complaints against Bradford and Rosciolli, which made an impact on her. She indicated that the fact that Bradford Marine was already accommodating vessels of more than 100 feet also made an impact on her and the wording of the ordinance with the changes proposed by Vice-Mayor Weiner would now make it difficult for the business to continue. She commented that she did not know how Bradford would be able to apply for a permit for each vessel and maybe staff could speak on it later. Councilmember Clark asked if the ordinance was passed as is, how it would affect Bradford's operations. Vice-Mayor Weiner indicated that they would have an existing non-conforming use until such time that they applied for a rezoning and a special permit. Councilmember Clark further inquired if the ordinance was adopted with 180 feet limit would that make it legal for Bradford to continue with business as usual, with Mr. LeMieux responding in the affirmative.

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Councilmember Cox pointed out that as a legal non-conforming use, if Bradford had a fire, they would not be able to rebuild the marina and accommodate those same size boats unless the ordinance was changed. If something that negative in nature were to happen, Bradford would be precluded from rebuilding their business to what it was today. Mr. Engle commented that that was a big concern because there were hurricane threats every year and Bradford Marine was a refuge for many boats as well as people in times of need. He requested that Council take that into consideration when making a decision.

Mr. LeMieux commented that if Council was interested, he had tried to "tinker" with the proposed language to make it amenable to Bradford, and maybe the best thing would be to not move forward with the amendment. Councilmember Clark inquired if the proposed ordinance was a reflection of that proposed by staff or whether it was completely new. Mr. LeMieux commented that he had provided two options. One option would require a special permit for manufacturing over 130 feet which would not affect Bradford, and it would not require a special permit for repair and storage. The second option would be recognized as a pre-existing legal conforming use since it was in place prior to the adoption of any amendment. He stated that either of the options would allow Bradford to continue the work it had been doing since the mid 1960s.

Gary Starkweather, 2624 Key Largo Lane, stated that the Civic Association would have its general assembly meeting after May 18th to discuss their concerns and arrive at a resolution to communicate back to the Town. Mr. Starkweather stated that it was inappropriate for him to speak on behalf of the Civic Association any further as it had been announced in the Civic Association newsletter that there would be a general assembly meeting scheduled. He indicated that after this meeting, the Association would be contacting Council to express the resident's concerns. Mr. Starkweather commented that his purpose was to speak for himself which he had not done previously.

Mr. Starkweather commented that the length of the boats was not an issue, it was the type of work that was going to be done on the boats. He commented that the present activities in the yards could not be considered manufacturing. However, his concern was that the proposed ordinance would allow manufacturing and opening the door to manufacturing was another matter.

Mr. Starkweather stated that both yards were boat yards that provided services to maintain boats. He commented that his concern was opening the door to allow manufacturing which was an M-2 or M-3 activity and was not appropriate adjacent to a residential area. Mr. Starkweather indicated that the boat yards were presently operating very closely to some M-2 activities, but most of their present activities were M-1, light manufacturing and taking care of boats. He commented that the concerns that he heard were popularity and employment opportunities, which were not an issue. Mr. Starkweather indicated that he resided in Lauderdale Isles because he liked boats and was an advocate for the marine industry, but he did not want to see a business next to his residence perform industrial activities. He stated that he had no objection to marine related maintenance and yard facility activities which was what both yards now do, but they were now looking to perform marine activities. Mr. Starkweather commented that he had studied the ordinance and he and other residents had met with staff to discuss the proposed ordinance. He stated that the key issue was that the M-2 districts were not intended for locations abutting residential property which was in the Town's Code, as well as the County Code. Mr. Starkweather commented that it would be more appropriate to adjust the M-1 ordinance to

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allow M-1 activities and to write special provisions to allow the yards to operate under M-1. He indicated that the second issue was yacht manufacturing setbacks which was 500 feet under the current County zoning. Mr. Starkweather stated that he was not concerned about boat building or boat repair but rather changing the setback from 500 feet to 25 feet or less. He commented that the ordinance mentioned setbacks 25 feet from all property lines excluding yacht manufacturing and repair, and if those were excluded, asked what would the setback be.

Mr. Starkweather commented that the proposed ordinance would allow marinas to continue to store and repair yachts outside, including boats for sale, storage or boats subject to any yacht manufacturing activity. Under the current M-1 zoning, those type of activities were restricted and anything in an uncovered area was a restricted use which was his interpretation of the County's M-1 Code. Mr. Starkweather stated that the proposed change under the M-2 Code allowed the marina to have activities that were not in covered areas. He commented that the M-2 change defined yacht manufacturing and repair to include any and all activities and to building boats up to 180 feet including any and all accessory uses that was directly associated with yacht manufacturing. Mr. Starkweather stated that one issue was that the "barn door" was open when yacht manufacturing was mentioned and this was his personal objection that the properties were not suitably located for yacht manufacturing. He indicated that the proposed ordinance also mentioned accessory uses which were not defined and he would feel more comfortable if it were.

Mr. Starkweather commented that the Town's zoning regulations were consistent in many areas with M-1, M-2 and M-3 zoning classifications, and the M-2, M-3 and M-4 activities were not intended for locations abutting residential property. He asked why staff was preparing an ordinance which was grooming the Town's M-2 zoning to allow for industrial use. Mr. Starkweather stated that the concept of an industrial use was already in a state of incompatibility with its next door neighbor. He explained that the M-2 grooming changed from M-1 to M-2 with an intensification of use. Mr. Starkweather commented that he did not want to see a change to prevent the businesses from being in the marine industry. He suggested that if anything was being done, it should be to adjust the M-1 Code specifically and not open the door to M-2 activities.

Mr. Starkweather indicated that if the M-1 Code was rewritten, he would like the Town to vote against passing the M-2 ordinance change. He stated that it would create more problems and it would immediately move to the next step which would allow the applicant to come back and apply for an M-2 zoning. Mr. Starkweather commented that he believed that the problem was that the community was not privy to the decision-making process and it did not have the opportunity to work together to determine what would be suitable for the Rosciolli and Bradford yards. He stated that there was no knowledge as to what to work with to allow the M-1 Code to be modified in a way that the Town's Code would allow them to have more suitable use of the property, instead of the County's M-1 Code they were presently operating under.

Mr. Starkweather stated that he would like to have an opportunity to strike down the proposed M-2 ordinance and see a new M-1 Code written which was more suitable for the property owners to operate and more suitable to protect the property owners of the residential area.

George Cable, 1308 Guava Isle, stated that he represented Marine Industry Association of South Florida, an organization with approximately 900 members. He stated that he believed that any restriction that Council planned to place on vessels going up and down the

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river was not needed. Secondly, it would be prohibitive and restrictive to what his organization was doing at the moment. Mr. Cable commented that the reason why he did not believe the restriction was needed was that the river protected itself. He indicated that there was a depth, width, length and overhead height dictated by the I-95 bridge. Mr. Cable commented that the original proposal, written by staff that 180 feet length seemed to do quite well as it existed.

George Kance, 2449 Nassau Lane, commented that he supported the upgrade of the Town's Land Development Code, the County's marine manufacturing and tax base, and the education of young workers in the environment. He indicated that every consideration should be given to balancing those goals with those of the nearby residential neighborhoods. Mr. Kance commented that he was concerned that the final reading of the Code amendment was so close after only one meeting. He indicated that Mayor Venis had stated that the first meeting was to begin the dialogue and there had not been enough time to discuss staff recommendations. Mr. Kance stated that he was also concerned about the continued lack of notification to the residence who were impacted and would be faced with trying to sell their homes across from newly formed M-2 industrial districts. He read from the Town's Code and commented that he understood that the proposed amendment was due to annexation and explained that a workshop by the Ad Hoc Committee on annexation conducted by Representative Jack Tobin and Senator Forman and the 14 members present, unanimously recommended that "governmental policy guidelines for the legislative delegation and cities obligation to the vested rights of unincorporated areas affected by annexation lifestyle should be preserved using the strongest language."

Mr. Kance commented that even though the city's zoning rights were retained, Cooper City had allowed some unincorporated areas to retain County zoning and he did not believe that things were "set in concrete" in terms of Council's options. He stated that the legislative delegation would like lifestyles to be preserved and the M-2 zoning would prevent that.

Jay Hedgecliff, 2425 Flamingo Lane, indicated that he had no concerns regarding the length of yachts impacting his community. He stated that he was concerned about the land use and intensification of industry as a neighbor of his community. Mr. Hedgecliff commented that both Mr. Roscioli and Bradford Marine had been good neighbors, but a concern was what would happen if those properties were transferred and if the zoning changed, whatever Codes were determined could have an adverse effect. He indicated that it might not be Mr. Roscioli as a neighbor, but once the land use changed what effect it would have on the residential community. Mr. Hedgecliff commented that that was his primary concern as well as being a voice from the residential community adjacent to the industrial area.

Jim Dixon, 2448 Cat Cay Lane, stated that he agreed with the other residents that Roscioli and Bradford had both been nice neighbors; however, as far as the M-1 zoning was concerned, it should remain as is to avoid problems later on. He commented that he was not opposed to a boat yard at the location and the yachts were nice to look at unless you were going down the river and a 180 foot boat was coming up the river. Mr. Dixon indicated that luckily there was communication between the tug boats that assisted the boats going up and down the river. He stated that Councilmembers Cox and Paul both stressed the quality of life for the residents, and although the speakers were not Davie residents, they were neighbors who would appreciate Council's regard for their quality of life. Mr. Dixon asked Council not to change the zoning. He indicated that the river was next to the the County Preserve that

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was erected for I-595 and the entire area had dried up since the building took place. Mr. Dixon indicated that present litigation would affect "Pineapple Swamp" which was a beautiful area, but the incinerator took away from the beauty. He indicated that his fear was that a 55 foot high storage building would be built which would be an awful sight on a 60 foot canal. He stated that he did not believe there was enough setback from the river and all the exotic plants would be cut down including the Australian Pines.

Mr. Dixon stated that he would appreciate if Council would keep the zoning as M-1 which would eliminate the worry of manufacturing which might spill something into the river which go downstream to Fort Lauderdale. He did not believe that an industrial zoning was the way to go at this time.

Councilmember Paul commented that from previous discussions, the building in question was moved back and there would not be a building up front. She commented that the building would not be close to the river as was indicated. Vice-Mayor Weiner commented that the issue was the creation of an ordinance for classification whether or not the building was located in the rear of the front portion of the property was more of a site plan issue. The question was what would the company be allowed to do under the ordinance.

Vice-Mayor Weiner asked if Mr. Rosciolli would be allowed to put the building in the rear. He commented that one of the concerns from the residents was a site plan issue and inquired if Councilmember Cox saw it in the same manner. Councilmember Cox responded that it was a site plan issue and a mitigation issue with the County.

Mr. Rosciolli stated that the issue was about manufacturing and as he had explained, he was not bringing all his molds from Bradenton. He commented that he had 90 employees in Bradenton where the boats were manufactured. Mr. Rosciolli indicated that there was not enough room in the Fort Lauderdale facility to erect a manufacturing plant. He stated that every shipyard in the County manufactured parts and pieces from fiberglass and the noise level did not change whether the boat was 58 feet or 180 feet. Mr. Rosciolli stated that the facts on some of the issues were false, such as bad odor, dirty property and noise. He indicated that if those things were true, he would not have been able to operate because there were many restrictions in the County. Mr. Rosciolli stated that there were many agency guidelines that had to be adhered to in order to operate his business. He commented that he had been a resident of Lauderdale Isles for 30 years and he had put 35 years of his life into the business. Mr. Rosciolli indicated that 75 percent of his business was repair and 25 percent was new boat construction. By having the ability to manufacture pieces and parts and to do assembly, he indicated that the ordinance would provide the ability to clean up his factory, be more efficient, cleaner and have a better appearance on State Road 84. Mr. Rosciolli stated that assembling the pieces in the new factory would increase the revenue of the County for thousands of suppliers and vendors who would be rewarded to sub-contractors to do this type of work. He asked that Council take that into consideration. Mr. Rosciolli stated that the idea to cut down the trees and erect a 55 feet building was a preliminary sketch that was made some time ago, and he had not yet approached the Site Plan Committee.

Dick Polcini, 2507 Andrews Lane, stated that he had been in Florida since 1950 and had been in the marine business a lot longer and he and Mr. Rosciolli had been competing against each other. He stated that Mr. Rosciolli's business was not detrimental to the neighborhood. Vice-Mayor Weiner asked Mr. Polcini if he had any comments directly

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relating to the propriety of the ordinance rather than Messrs. Bradford and Rosciolli and whether or not Council should approve the ordinance. Mr. Polcini responded that Mr. Bradford and Rosciolli were doing nothing different from what was done by other boat yards.

Lilly Polcini, 2507 Andrews Lane, stated that she had resided there for 20 years and was three houses away from the Rosciolli business. She indicated that she had no objections to the business and fully supported the plan to make the yard better and more efficient. Ms. Polcini commented that there had never been any noise or odor coming from the business and there would not be with the minimum zoning change that she hoped Council would approve.

Vice-Mayor Weiner stated he wanted people to speak only on the ordinance and not on Messrs. Bradford and Rosciolli's businesses. Councilmember Clark commented that she believed that the residents comments with regard to the businesses was relevant because if the ordinance was adopted, it would affect how Bradford and Rosciolli did their business. She indicated that if the residents were worried about their performance in the future, Council should listen and keep an open mind to the residents who believed that there would not be a negative impact. Councilmember Clark stated that it was relevant and a lot of changes would take place once the ordinance was adopted. Vice-Mayor Weiner stated that he was not referring to the impact of Rosciolli and Bradford, but rather to the quality of persons and companies. He commented that there had been reference to a newsletter where it was stated that there were noxious fumes and audio problems. Councilmember Cox stated that she agreed with Councilmember Clark. She commented that everything was tied together even though Council was only discussing two pieces of property. Councilmember Cox commented that Council should find out if it was a site plan issue. She indicated that she appreciated that the residents were bringing up site plan issues because if the zoning was changed, site plan issues could be addressed and everything could be finalized at the same time.

Dave Fromeinz, 2413 Nassau Lane, stated that the Town already had one landfill and an incinerator and now Council wanted to add more pollution to the property.

Richard Thompson, 2637 Sugarloaf Lane-President of the Fort Lauderdale Civic Association, stated that the residents were not concerned so much about the present operation, but about what could happen in the future. He commented that although boating accidents on the New River were rare, things happened. Mr. Thompson indicated that whatever was done with the zoning, there should be very strict deed restrictions in order to protect the Lauderdale Isles residents. He stated that he respected Mr. Rosciolli's need to fulfill his dream and his contribution to taxes, but the issue should be about people.

Elaine Petterick, 2460 Cat Cay Lane, stated that changing the classification from M-1 to M-2 would affect real estate. She stated that she had no problem with Mr. Rosciolli's present business or his visions for his business as long as the residents could work with him on the site plan. Ms. Petterick commented that she was concerned what Council's decision would be on the M-2 classification which had permitted uses in it that were objectionable and she assumed that Mr. Rosciolli would be willing to provide voluntary deed restrictions. She indicated that she was also concerned about what constituted marine manufacturing. Ms. Petterick stated that she believed Mr. Rosciolli would not be expanding his present type of work, but had not seen it in writing, and if his children wanted to make changes, that was the resident's concern. She commented that from a personal standpoint, she would like to see Mr. Rosciolli continue and develop his business, however protecting the present quality

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of life was important. Ms. Petterick commented that the current M-1 zoning provided a 500 foot setback from residential area from performing manufacturing work, and with plans for the new M-2 zoning, it was 50 feet which was the width of the river plus whatever setback. This was only 25 feet as far as could be observed from the plans. Ms. Petterick stated that she was not in favor of using the M-2 zoning because it favored the public's image of what it was able to do by degrading the neighborhood.

Claire Penzo, 2430 Key Largo Lane, stated that she was a new resident and became aware of the issue in the Community News. She indicated that everyone appeared to be concerned about their property due to new construction, but no one had mentioned the manatees. Ms. Penzo commented that the larger boats provided a greater chance of killing animals. She stated that her reason for attending the meeting was not to put anyone down but to learn, and the location being so close to the animal reserve meant that there would be animal loss.

Councilmember Clark commented that during the original discussion regarding the ordinance, Councilmember Paul was concerned about live animals and turtles and this had been mentioned during the discussions.

Councilmember Cox stated that she was very interested in the map and the location of the properties of the residents who were present. She compared the situation to her neighborhood where one of the residents at the end of her street was in the process of erecting a shopping center. Councilmember Cox stated that she was not happy driving down her street and looking at a shopping center, but it was his property and he could do what he wanted as long as he complied with the Code. She commented that the Town worked extensively with him and he had to place a mitigation site in the back of his property in order to be able to erect the shopping center on the corner. Councilmember Cox indicated that her neighbors living next to the mitigation site had come to the conclusion that they were not living next to a shopping center but next to a mitigation site. She commented that from her observation of Lauderdale Isles and the map, and listening to the residents who spoke, she did not observe that much of Lauderdale Isles would be affected by the Code amendment. Councilmember Cox stated that her thoughts were that most of the residents would be residing across from a mitigation site, their comings and goings would not be affected in any way, except observing some additional construction on the river. All in all that would have no adverse effects on the residents and if Council dealt with the site plan in the appropriate manner and tried to address the issues that were brought by the residents, neither side would get exactly what they wanted. Councilmember Cox commented that the issues would be addressed and an agreement could be reached as to what would happen at the location. She indicated that when the rezoning process was discussed, an agreement could be worked out with Mr. Rosciolli about the activities and those issues could be addressed at that time.

Councilmember Cox stated that she was not comfortable with taking away rights and restricting the use of things that had gone on for years without any problem. She indicated that she was in favor of passing the ordinance and since none of the residents were particularly worried about the 180 foot issue, she would put it back in, and when the site plan and rezoning process were discussed, individual issues could be dealt with at that time. Councilmember Cox indicated that other cities accommodated the manufacturing issue as well as other cities with properties along Marina Mile. She stated that Council was trying to have this operation comply with the Code and in order to do this, hours of usage were restricted along with hours of operation and enclosing other outside operations which in the

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long run would not only be better for the environment but for the neighborhood as well. Councilmember Cox stated that she believed Council could accommodate those issues as the site plan process was dealt with. She indicated that she would like to see the ordinance approved as it was proposed initially by staff with the 180 foot accommodation.

Councilmember Paul stated that she had seen yachts docked in the river and asked how large the vessels were. An unidentified man in the audience responded that they were less than 60 feet. Councilmember Paul asked how many residents in Lauderdale Isles actually did repair work on the boats. She stated that she had seen and heard about such a situation and was curious as to how prevalent this was. An unidentified man stated that according to the County's ordinance, minor repair work was allowed.

Vice-Mayor Weiner closed the public hearing portion of the meeting.

Councilmember Paul stated that statements had been made that Bradford and Rosciolli were good neighbors and her question was what would happen in the future if things changed.

Jeff Katims, Planning and Zoning Manager, commented that some of the concerns were future marine uses, the type of manufacturing that would take place and whether or not hulls would be manufactured as well. He stated that another concern was in the event that the business went bankrupt, what type of business that would operate at the location. Mr. Katims indicated that some residents had pointed out that a lot of emphasis was placed on the M-2 classification. He commented that the current five acre vacant property owned by Mr. Rosciolli on which he wanted to expand had County M-1 zoning or Hacienda Village M-1 zoning which was different from the Town's M-1 zoning. Mr. Katims stated that he was not sure how the Town's M-2 and the County's M-2 related, but they were not the same. He stated that he had suggested to some of the residents that he did not believe the Town wanted to see a cement plant or a lime plant on the river nor did he believe that was Mr. Rosciolli's intended use in the future. Mr. Katims suggested that during the rezoning process, those types of uses could be observed and if they were objectionable they could be dealt with at that time. He stated that Mr. Rosciolli knew what he wanted to do and would be willing to address those types of issues, and the residents across the river would have peace of mind knowing exactly what type of operation was taking place.

Councilmember Paul stated that Councilmember Cox had also indicated that a number of the concerns mentioned could be handled at either the rezoning hearing or the site plan hearing. She indicated that she would specifically make note of the concerns in the event that they arose again. Mr. Katims commented that the concerns would be observed at both stages.

Councilmember Paul asked if the classification presently governing the area was closer to M-1 or M-2 in terms of the County with Mr. Katims responding that he was unable to make an accurate representation without reviewing what was allowed in the County M-1 classification. He stated that the County M-1 allowed uses that the Town's M-1 did not, however, he did not know if the County allowed all the uses that the Town's M-2 classification allowed. Mr. Katims further commented that there was no particular special reason that staff chose M-2 classification except the fact that that was the classification currently permitted for marinas in the Town Code and not M-1. He indicated that it was the designation where the closest use was already permitted. Additionally, some of the setback

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issues were taken care of by the waterway and the buffer which would be at least 100 feet required by the Department of Planning and Environmental Protection and that was the reason why the Town did not incorporate a special setback.

Councilmember Paul stated that a resident was also concerned about the hours of operation and hoped that Mr. Rosciolli or Mr. Bradford could respond. She stated that the hours of operation was indicated as 6:00 a.m. to 8:00 p.m. Monday through Sunday which was a seven day operation. Mr. Rosciolli stated that he would not be working seven days a week and had not done so since he had the business. He commented that the hours of operation were from 7:00 a.m. to 3:30 p.m. Monday to Friday with an occasional skeleton crew on a Saturday, but no major operation either on Saturday or Sunday. Mr. Rosciolli indicated that Mr. Bradford also operated in the same manner and if there were major concerns, changes could be made. He commented that variances could be added and the company would not be sold to anyone who would operate a business that was not appropriate for the location.

Councilmember Paul asked what the reason was for putting the hours of operation in the ordinance. Mr. Katims responded that the reason for the hours of operation was seen as a reasonable protection that the Town could afford the residents of Lauderdale Isles that was not presently afforded by County regulations. He stated that that was also the reason for the height restriction. Councilmember Paul commented that now that Council was aware that the business did not operate beyond 7:00 a.m. to 3:30 p.m. during the week and there was usually no operation on Saturday or Sunday, in relationship to future use, if the hours of operation were ever a concern, adjustments could be made. Mr. Katims stated that in the ordinance, the hours of operation was specifically tied to yacht manufacturing, repair and servicing and would not relate to other types of uses. Councilmember Paul indicated that even if it was yacht manufacturing and repair, staff should shave some time from the 6:00 a.m. to 8:00 p.m. and limit the time to Monday to Friday and present it as an amendment.

Councilmember Clark commented that she believed that the 6:00 a.m. to 8:00 p.m. hours was a basic adjustment and if precedence was taken on what Mr. Rosciolli and Bradford Marine had done for many years, it would be hard pressed for them to suddenly change their hours of operation to focus on the weekends. She indicated that she had heard complaints from people about other businesses and the issues were usually before 6:00 a.m. and after 8:00 p.m. Councilmember Clark indicated that in her opinion it would be too much of a constriction to worry about the timeframe in the wording of the ordinance. She commented that she was clear that when the second reading of the ordinance took place, the only concern was the proposed amendment change by Vice-Mayor Weiner with the restrictions of the length of a yacht and manufacturing of 180 feet. Councilmember Clark stated that another issue was with the M-2 zoning. She indicated that if Council was truly dealing with the ordinance and voting on it, the only question at this point was whether to accept the ordinance with the change proposed by Vice-Mayor Weiner, to accept the ordinance as it was originally proposed by staff as requested by Councilmember Cox, or with the revisions proposed by Mr. LeMieux. Councilmember Clark commented that she felt that the resident's testimonies were important and she believe that it was also important to listen to people and give them their due, however, she believed that voting on the ordinance was the only issue at the moment.

Vice-Mayor Weiner stated that the concern that he expressed at the last meeting was that a boat 180 feet in length appeared to be very large. He indicated that Ms. Croxton pointed out that the canal could bear it. Vice-Mayor Weiner commented that none of the residents

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had made any comments that they were concerned about the size of the vessel and he no longer had that objection. He stated that he did not have the same objection that he previously had and any Councilmember could propose approving the ordinance in its original form providing Mr. Kiar stated it could be done. Mr. Kiar indicated that the ordinance could be approved as it was presented at the first reading. Councilmember Clark stated that she no longer had the same objection. Councilmember Cox stated that Mr. Rosciolli had pointed out that if the ordinance was approved, he would discuss deed restrictions against some of the issues that were objectionable. She stated that as the site plan process was dealt with, he was already required by the County to provide bigger buffers, which she believed were important. Councilmember Cox commented that those issues should be discussed at the rezoning. She stated that it was important to get the issues out in the open so everyone could be aware of the concerns and she was in agreement with Councilmember Clark that all the issues should be brought into the open. Councilmember Cox stated that as Council went through the process and Mr. Rosciolli came before Council with a rezoning request, the residents had the opportunity to discuss with him what to remove from the M-2. She stated that she did not want to have Council restrict the opportunities for the businesses that were in existence with the ordinance. During the rezoning, restriction of the hours as well as other uses could be discussed at that time.

Councilmember Cox made a motion, seconded by Councilmember Paul, to adopt the ordinance as it was originally written by staff. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 4-0)

Vice-Mayor Weiner indicated that item 12.1 would be discussed at this time.

12.1 Transit/Shuttle Program

12.9
R-2000-122 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR THE PURPOSE OF TRANSPORTATION EXPENDITURES.

Mr. Middaugh commented that staff had requested that a brief overview be presented to Council regarding the resolution that was distributed concerning the gas tax to be followed by comments on the proposed transit system. He indicated that the handout included a resolution that authorized the Town to execute an interlocal agreement from the County which implemented an additional one cent tax beginning on January 1, 2001. Mr. Middaugh stated that this agreement needed 51 percent of the cities to be able to enact this by June 1, 2000 in order for it to become effective. He commented that the agreement provided that 48 percent of the proceeds of the additional one cent tax would go to the County and the remaining 52 percent would go to eligible municipalities. He commented that the 52 percent would be broken into two pieces, with a 26 percent share to the Town based on its population and the second 26 percent would be distributed to communities, of which Davie was expected to be one. Mr. Middaugh indicated that if the Town wanted to establish a municipal bus service, it would be a good idea to have the agreement available as it provided subsidies that would not otherwise be available.

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Mr. Middaugh stated that Council had asked him to develop a program for a transit system in the Town, and since that time, Programs Manager Will Allen had done some research. He commented that he had had discussions with representatives from other cities about their transit operations and he had learned what worked and what did not. Mr. Middaugh indicated that he had also worked with Broward County Transit and there were representatives present who would speak to Council. He commented that both he and Mr. Allen were pleased with the level of response that they had received from the County Transit which had been very helpful and encouraging. Mr. Middaugh indicated that the County was very committed to supporting a municipal bus system which was good for the Town because there were resources that the Town would be able to utilize. He stated that the program that he planned to outline would disclose costs as well as routes. One route would be a base service route that would provide service for the eastern portion of Davie. Mr. Middaugh commented that he would also demonstrate an additional second level of service for the western portion of the Town which was more challenging because of the size of the Town. He stated that Council had the option to approve one or both types of service and different variations on the theme could be discussed as well depending on the levels of service that Council wanted.

Mr. Middaugh indicated that in the package of materials that were distributed, there was an estimated cost of the system as well as potential revenues. He stated that upon observation, the immediate connection between the additional gas taxes would be seen. Mr. Middaugh commented that when observing the estimated cost, the two routes would cost approximately \$300,000 based on a \$75,000 per bus average seen throughout the Town's system and other comparisons that had been made during the research. This operation would be from 7:00 a.m. to 7:00 p.m., six days per week. He indicated that the potential revenue would indicate the full impact of the additional gas tax. Mr. Middaugh stated that the Town would originally have been eligible for a \$20,000 per bus subsidy, and if the gas tax passed, Davie would become eligible for a \$40,000 per bus subsidy or \$160,000. He indicated that with the 26 percent share, that translated into \$21,500, adding up to \$180,000 to offset the Town's operating cost. In addition, the County would be offering scheduling and routing assistance along with other support that would be provided by their staff. Mr. Middaugh indicated that another source of funds that the Town had the option to tap into was the Community Development Block Grant (CDBG) funds. This would provide the opportunity particularly on the eastern route which would benefit both low and moderate income households. He stated that the additional one cent gas tax would reduce the \$300,000 by \$100,000 making an otherwise expensive system more affordable in terms of other benefits that would be offered to the residents.

Mr. Allen indicated that Irv Manny and Diane DeLyons from Broward County Transit were present. Mr. Allen commented that the County had been very helpful as were other communities that willingly gave information and offered advice as to how to implement a transit system in Davie. He indicated that Davie's uniqueness was its size and most of the other communities were different. Margate had an excellent transit system but it was nine square miles with 50,000 residents with a lot of senior citizen housing and some of the other communities were significantly smaller. Mr. Allen stated that because of the areas that needed coverage in Davie, it was very difficult to establish a transit system. However, staff

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had put together the eastern route which connected a significant amount of community resources; the western route did so as well and in spite of fact that it was so long, its one advantage was that the bus could move along at a good pace in some areas.

Mr. Allen stated that Council had given direction to study a transit system and how it might apply to the Town. Staff had tried to accomplish this by attempting to provide alternate means of transportation to reach local destinations as well as connect with the County Transit system. He commented that any type of system would have to be safe, reliable and clean. In terms of reliability, Mr. Allen stated that all the communities that he met with had indicated that people would not wait forever at a bus stop; an hour between buses was the maximum and anything better than that would be a better system. He commented that if residents were not assured that the buses would arrive in a reasonable amount of time, they would not utilize the service.

Mr. Allen stated that in order to be eligible for funding from the County, the route had to be a fixed one, be reliable and be available to the residents. Additionally, in order to receive that funding, there also had to be connections to the County Transit system so that destinations outside of Davie could be reached. He commented that the Davie bus would more or less be a feeder for the County as well as going from one location to another within the Town. Mr. Allen indicated that staff had recommended two routes and more input would be needed from Council, the Senior Citizen Advisory Committee, as well as other interested parties. He commented that the opportunity to have the system in place by October 1st existed if Council wanted to proceed, and there were buses available through the County. Mr. Allen indicated that there were four new buses available providing that Council proceeded and Council would have to adopt a contract with the County to acquire those buses. He indicated that the hub of the system was located at Pine Island Park which was a centrally located facility with several activities. The other locations were highly populated areas including mobile home parks and the CDBG target areas, senior citizens, parks and recreations areas, health facilities, college campuses, governmental centers and the County Transit linkage would also be included in the route. Mr. Allen commented that the eastern route began at Pine Island Park allowing access to the activities there. The route then stopped at the Davie/Cooper City Library, the Davie shopping center which included Publix and then proceeding to University Drive. Mr. Allen indicated that University Drive was the main bus route for the County with four bus stops between Griffin and Stirling Roads. He stated that there was easy interconnection with County Transit along University Drive providing access to the Atrium Shopping Center as well as other shopping centers. Along Stirling Road would be the David Posnack JCC, an activity area which offered connection to the Cooper City bus route. Mr. Allen indicated that the route would continue along University Drive through the Driftwood area, going through the Ehlinger and El Jardine Apartments which was another CDBG target area. The route then came back through Driftwood Park by 77th Avenue to Stirling Road. He commented that the route would then continue to Davie Road where a Winn-Dixie was located. The route would then continue on Davie Road which would provide connection to another County bus route, then continuing along Davie Road, turning along Orange Drive providing access to Town Hall and to one of the shelters along Orange Drive as well. Mr. Allen indicated that the route would continue through Potter Park, through the neighborhood to 38th Court, back to 61st Avenue which provided access to affordable housing units. He commented that the route would continue to the Silver Oaks Mobile Home Park going to the college campus providing access to Bailey Hall, then

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proceeding along Nova Drive passing McFatter Vocational and proceeding along College Avenue and continuing along 30th Avenue by the Nova Campus to University Drive and 30th Avenue with access to the health facility and proceeding along University Drive to Nova Drive to Pine Island and back to the starting point. This concluded the eastern route consisting of approximately 21 miles which would take 90 minutes. However, if there were two buses with the other one leaving at approximately 8:00 a.m. and another at 8:45 a.m. this would provide a bus every 45 minutes on the route. Mr. Allen commented that this timeframe was supported by the County advisors and other municipalities as being acceptable.

Mr. Allen stated that the western route consisted of 32 miles. He stated that the route had a hub at Pine Island Park with various connections at areas such as Robbins Lodge, Ivanhoe Community Centre, Publix, Winn-Dixie, the police and fire stations, and Pine Island Plaza.

Mr. Allen indicated that Mr. Middaugh had already presented Council with the estimated cost of the system which, based on the other communities, appeared to be reasonable at approximately \$75,000 per bus, with the County charging \$20 an hour to operate. When observing the other communities, it appeared that the proposed system could be feasible, although convenience was questionable for the western route. Mr. Allen commented that additional input was required from the Senior Citizen Advisory Committee, and upon Council's direction, staff would continue to work with the County in an attempt to get an agreement for four new buses.

Mr. Middaugh explained that one of the expectations of the Senior Citizen Advisory Board was that the system would be a door-to-door service operating like a taxi service, which was not the concept that Council had nor was that concept sustainable for a bus loop or a transit system. He indicated that if someone was able to walk, the system was a very reasonable system which would enable someone to get to many places in the Town, and for someone who was disabled, the paratransit system was available through the County.

Mr. Middaugh commented that in terms of variables, the eastern loop offered a base service which Council could consider, and the western loop could be executed in parts if there was interest. For example, fulfill the County minimum of 40 hours of operating time on western route, and take the remainder of the time up to 72 hours and utilize it for some demand response to enable residents who were not able to utilize the service or were unable to get to a bus because of the huge spaces that the Town was attempting to cover. This would make allowance for appointment type of responses with the limited amount of time or as much as that would be available to the Town. He indicated that Mr. Allen had explained that if Council was satisfied with that concept and wanted staff to proceed further, then a contract would be developed with the County, along with specific community input based on Council's direction. This allowed for "fine-tuning" of the contract, and from a legal standpoint, it allowed for publication and acceptance of what Council was attempting to do. Mr. Middaugh stated that this could be a good system if it was established. He commented that Council could charge a fare or provide free service; however, if there was a charge, it should be no higher than 50 cents because normal fares were 25 cents. Mr. Middaugh suggested that the fare should be 50 cents and added that the Town would not raise a lot of money but the service would not be free either.

Vice-Mayor Weiner inquired if there were two different agenda items, one that Council added, one for which Mr. Middaugh was seeking direction which was 12.1, and the

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other if Council decided to take action whether or not to support the resolution by or before June 1st. He also asked if Council decided to approve the gas tax resolution, it would have to be contingent upon review by the Town Attorney. Mr. Middaugh responded affirmatively and commented that that was built into the resolution.

Councilmember Paul commented that as far as item 12.1 was concerned, she would like Council to give direction to continue. She indicated that staff had done a great job realizing that Council needed more input. Councilmember Paul stated that staff was moving in the right direction and moving along rapidly. She commented that it was not exactly what she had expected considering the financial constraints, but that was something to look at. As far as item 12.9 was concerned, Councilmember Paul indicated that there had always been some opposition to this being another tax, and she understood the residents feeling. However, under the circumstances, the amount of funds that this added tax would bring allowed the Town to enable the bus service as early as October 1st.

Councilmember Clark stated that she was excited and this was more than she expected to see. She commented that it was an incredible plan which she favored.

Councilmember Cox stated that as far as the gas tax issue was concerned, she was not excited about paying more taxes. She indicated that in this case, the County did not utilize mass transit and the reason it was not utilized was because it did not go where everyone wanted to go, certainly not in Davie. Councilmember Cox commented that she would like to see a service provided to alleviate the "log-jam" on I-595 by keeping some people off that road and getting residents around, which was what the gas tax should do. She stated that public transportation should be looked at and a way should be found for it to be augmented.

Councilmember Cox commented that since Davie was looking to "jump" onto Cooper City and the County routes, the community could address its needs better than the County could in the sense of getting residents around to local area. She indicated that the first step was getting some of the vehicles off the road. Councilmember Cox stated that discouraging the use of gasoline and taxing it in order to provide a public transportation system that worked better than the present one would be difficult considering the low density of the Town. She stated that she did want anyone to think that she was "bad-mouthing" the County as they did what they could do. Councilmember Cox indicated that this was a major step forward which should be fine tuned. She stated that she observed things that she was not sure would work, but this could be fine tuned into a different scenario by observing who utilized the service and how often it was used.

Vice-Mayor Weiner inquired if Council had any direction for staff. Councilmembers Paul, Clark and Cox agreed that staff should proceed. Vice-Mayor Weiner asked Mr. Middaugh if he had sufficient direction. Mr. Middaugh inquired if Council was comfortable in having staff proceed to begin developing contractual language with the County. Vice-Mayor Weiner responded that Council was seeking public input, with Mr. Middaugh responding that both could be done on a parallel track. Mr. Middaugh indicated that the County did not care about the bus route, only that the four buses were being paid for. Vice-Mayor Weiner commented that as long as Council was ensured of good public input, staff could move forward.

Vice-Mayor Weiner asked if there was any further discussion on item 12.9. Councilmember Paul commented that a motion had already been made on both items 12.1 and 12.9 with Vice-Mayor Weiner responding that he did not think there was a motion. Councilmember Paul stated that she had made a motion to move forward with item 12.1;

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however, recognizing some of the objections of some of the residents on the tax issue, but realizing the importance to the Town in terms of additional revenues she had made a motion that staff move forward on item 12.9.

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

- 9.2 **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.**

Town Clerk Reinfeld read the ordinance by title.

Vice-Mayor Weiner asked if anyone wished to speak for or against the ordinance.

Shirley Munson, 2420 SW 88 Avenue, stated that she knew first hand the concerns of protecting children from harm and injury. She stated that she was also aware that Council could not legislate guaranteed safety. Ms. Munson commented that she had had horses for 41 years and parents who took on the responsibility of having horses for their children knew that it took more than just a helmet to protect a rider from injury. She stated that children were taught to respect the size and the power of the animal, how to behave around them, care for them, how to control and how to enjoy them sensibly. Ms. Munson commented that as responsible and caring guardians, adults exposed themselves and their children to safety programs established by such organizations as the South Florida Trailriders, the 4-H and the Safety Summits.

Ms. Munson indicated that it could be noticed that more people were wearing helmets while riding horses, and believed that more people could be reached through programs in the school that was put on by mounted police officers. She stated that a "big brother is watching" atmosphere was not needed in the Town and asked Council not to alienate the children from police officers. Ms. Munson commented that education, suggestions and advise was more acceptable than orders and threats and asked how would Council expect police officers to enforce the helmet law. She stated that when a police car pursued a helmet-less rider on horseback with sirens blaring and lights flashing, if the rider galloped to an off-road area, there was no license tag number to trace. Ms. Munson commented that children

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were not required to carry identification so who was to say who they were and where they lived. She stated that she felt that the ordinance was unnecessary and wondered what prompted the proposed ordinance. Ms. Munson indicated that if Council was worried about the Town's liability, it should increase the limits of the Town's insurance policy. She asked if the purpose of the ordinance was legislating children's safety or rather the beginning of legislating the Town's equestrian lifestyle out of Davie.

Joy Yoder, 12610 SW 13 Manor, stated that she supported children wearing helmets; however, she was against the ordinance forcing them to wear helmets. She commented that she found out from working with many young children that if they were forced to do something, even if they were already doing it, they would refuse. Ms. Yoder indicated that she had done many programs and had succeeded in getting children to wear helmets. She stated that she had heard from many people on the street that they did not need to slow down because the kids were wearing helmets, so if they fall they would not get hurt. Unfortunately, people seemed to believe that because a child was wearing a helmet they would be totally safe; that was just an excuse for the drivers to think that they did not have to be safe around children on horses. Ms. Yoder indicated that there was literature clearly stating that if a helmet did not fit properly, it was worse than not wearing one. She commented that when a child borrowed another child's horse, they borrowed the helmet as well, whether that helmet fit or not, and there were no helmets made to fit children who rode ponies because helmets were not made to fit small children. Ms. Yoder stated that there was a health factor for children riding ponies because they caught head lice which could not be killed by spraying the helmet. She indicated that almost every pony rider hat she knew had a side-walker with the children and there had been no injuries involving children that she was aware of. Ms. Yoder commented that there would be injuries when the children's heads went back and forth like the children in the handicapped association when the helmets did not fit. She indicated that this was very dangerous and, for a helmet to be worn that did not fit because it had to be worn before riding, borrowing one that did not fit was worse than not wearing one.

Ms. Yoder commented that she was fearful that enforcing the ordinance would be a setback and it would cause a major problem with the Police Department which already had problems regarding bike helmets. She stated that there were residents who felt it was their duty to tell everyone they knew to write to Council and have Council contact the police chief because every child was not stopped for not wearing a helmet which was very unfair. Ms. Yoder commented that there were some parents who complained to the police because they believe their child was being picked on and situations of that nature created problems within the communities.

Ms. Yoder indicated that the incident that occurred with the young girl in Plantation Acres would not have helped even if she had been wearing a helmet because the horse was not suitable for her to ride. Ms. Yoder stated that there were responsibilities when riding a horse, it was not whether or not to wear a helmet, but to ride a horse that was compatible. She asked if Council's next move was to tell residents the type of horse to ride. Ms. Yoder indicated that if Council began legislating the use of helmets, it would create major problems. She commented that she was concerned about children in the same way the Vice-Mayor Weiner was and believed that it should be their choice.

Arthur Hurley, 4601 SW 128 Avenue, stated that whatever decision Council made would be supported by the residents. He commented that he knew that Council's interest in

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proposing this ordinance was the safety of the children. Mr. Hurley indicated that he felt that there should be education rather than legislation, but should Council decide to pass the ordinance he felt that making an exception during competitions appeared to be more dangerous to him, and was a mistake in the ordinance. He commented that it sent a message to a youngster who was not competing that the helmet was not needed during competition. Mr. Hurley stated that for bicycles, it was mandated that a helmet be worn during regular riding; however, he had never seen a rider wearing a helmet during serious competition. He commented that if Council decided to legislate the ordinance which he hoped it did not, Council should consider whether to make an exception to eliminate helmets during competition. Mr. Hurley stated that injuries were more likely to happen during competitions than at other times.

Ms. Yoder commented that with regard to horse shows, each organization that managed a horse show or a club were aware of the requirements. She stated that the jumpers wore helmets and were aware of injuries while helmets were worn. Ms. Yoder commented that western riders were not required to wear helmets because the horses were docile. She stated that each organization had their particular set of rules and knew whether a helmet was required or not due to any injuries that might occur. Ms. Yoder stated that those organizations would be aware whether the clause for helmets was necessary and they knew from experience that helmets were not needed. She indicated that the jumpers wore helmets because of the possibility of the rider going over the horse. Ms. Yoder commented that she was asked to assist the City of Plantation to place a clause in their regulations.

Vice-Mayor Weiner closed the public hearing.

Councilmember Paul commented that when the idea first came up, she had indicated that she wanted the whole concept of helmet wearing to be educational and not punitive. She stated that was why time was taken to develop a plan that would assist with the education which included Teen Court. Councilmember Paul indicated that there had been meetings with individuals from Teen Court and representatives from the Police Department to find out what the educational aspect of a citation would be for not wearing a helmet. She commented that there were discussions with a counselor viewing a video on helmet safety which would be part of the educational process. Councilmember Paul stated that she had read Ms. Munson's e-mail and commented that she understood the concerns of everyone especially in relationship to the interaction between children and the Town's police officers. Councilmember Paul stated that she was aware that as far as the bike helmets were concerned, there was a program being utilized by many municipalities whereby a police officer would give a voucher to a child who was seen riding a bicycle without a helmet if he/she deemed it necessary. This voucher could be redeemed for a helmet. She commented that the Town had been fortunate last year through the Safety Summit to receive donations towards the purchase of helmets. Councilmember Paul commented that she had had a stack of helmets in her truck that she would donate to residents if she determined that the individual was under 16 years old and in some cases, helmets were offered to adults.

Councilmember Paul commented that the Town had been very fortunate to have excess funds available, plus funds which was donated by the Jockey's Association at Calder Race Track. She indicated that these funds were used to purchase helmets to continue not only the educational program, but to offer helmets at a reduced price or for free to

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individuals who expressed a desire for them. Councilmember Paul indicated that since the commencement of the educational program, she had seen a tremendous increase in the number of helmets being worn.

Councilmember Paul commented that based on the Safety Summit, as well as her concern for the safety of children, it was difficult for her not to support the legislation. She indicated that it was very difficult to regulate regulations for a show. Councilmember Paul stated that she had noticed western style hats on the market, however, many people felt that they were too awkward. She indicated that there were a lot of issues involved and she was particularly concerned about the health issue regarding head lice. Councilmember Paul stated that at a barn or a public riding facility with helmets going back and forth, she was told that spraying helmets with Lysol did not solve the problem. She stated that she did not like to keep tabling an item, but issues were brought up that needed to be addressed. Councilmember Paul commented that she was sorry that the individuals who were present during the first reading did not speak. She indicated that she understood that there was a misunderstanding as to whether or not they would be allowed to speak.

Councilmember Cox commented that the enforcement of the ordinance was open to a variety of interpretations. Councilmember Cox indicated that she believed the police would only enforce this ordinance if they saw someone being unsafe. She stated that the issue of side walkers and pony rides and requiring a child on a pony to wear a helmet never entered her mind, and that requirement took away from the child's experience. Councilmember Cox indicated that an amendment should be made to deal with that requirement.

Vice-Mayor Weiner commented that he had drafted the ordinance and stated that he had spoken to Arthur Hurley regarding the issue. He stated that when he had originally drafted the ordinance before Councilmember Paul suggested some of the amendments, he did not exclude rodeo ringers or shows because he concurred with Mr. Hurley's statement with regard to the propensity for injuries because of more intense usage. Vice-Mayor Weiner commented that he accepted the amendment requested by Ms. Yoder and suggested by Councilmember Paul to exempt them. He stated that he was not totally pleased with the exemption of those areas, because children could get hurt on the street or on the swale and he wanted to see them protected. With regard to the pony rides, Vice-Mayor Weiner indicated that he had spoken to Ms. Yoder regarding this and he agreed with her. He indicated that if it would be more dangerous for certain users of horses to wear helmets, then they should be exempted. Vice-Mayor Weiner commented that if the ordinance was adopted tonight, he would like to exempt certain types of uses where it would be more dangerous for a child to wear a helmet than not to wear one. Vice-Mayor Weiner indicated that he would like to see the ordinance adopted even if it was viewed by some individuals as trying to destroy the way of life or to destroy an individual's right to choose.

Vice-Mayor Weiner stated that the Town had an interest in trying to protect children in addition to what parents did, and in some case it might not be parents, but foster parents or an older sibling. He commented that Council was interested in doing as much as possible and if it was going to be perceived badly, he could live with it. Vice-Mayor Weiner commented that he did not know if the ordinance would save anyone or mitigate an injury, but he would hate to know that he did not try. He explained that when he first proposed the ordinance, he had explained that he was not an equine person but he was a parent and he was concerned about children when they rode their bicycles, roller blades, or a horse. Vice-

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Mayor Weiner commented that if Council saw fit to adopt the ordinance, it should exempt any usage of equine animals where the usage of a helmet would be more dangerous than not using "a horse" such as the child's pony ride.

Councilmember Paul stated that there were two things that she would like to readdress. She commented that Ms. Munson had made reference to the Town's liability and she was aware that this had been discussed in relationship to whether or not this ordinance was done to protect children. However, there was the question of whether or not this was done in order to protect the Town as well. Vice-Mayor Weiner stated that the first time he was aware of this was when he read Ms. Munson's e-mail this morning. He commented that his concern was not for the Town but for the children.

Councilmember Cox commented that the Equine Lodge would cover the liability and the Town should be exempt. Councilmember Paul commented that there was also the issue of whether or not the ordinance was enforceable in relationship to the role of the police. She indicated that when the ordinance was first discussed, Chief George had stated that enforcement of the ordinance was questionable, but the important thing was the message being portrayed in relationship to caring and protecting the children. Councilmember Paul indicated that there were enough issues brought up tonight and she was making a motion to table the ordinance. She commented that perhaps she, Ms. Yoder and a few other people could meet to discuss some changes. Councilmember Paul stated that she would still like to place more clauses within the ordinance with regard to education and the role of the parents, something she had attempted to do initially. She commented that this was perceived differently when it was presented in the newspaper in terms of going to Teen Court and Council was attempting to make the ordinance less obtrusive in relationship to how children were being dealt with. Councilmember Paul commented that the pony rides, the side walkers, the helmets, the health issue, a few other questions as well as the education were still unanswered issues. She stated that she knew the residents were concerned that this item would be delayed again, but believed that if it was going to be done right then it should be tabled until the next meeting.

Town Clerk Reinfeld asked if the motion was to table the ordinance to the June 7th meeting, with Vice-Mayor Weiner responding in the affirmative. Councilmember Paul indicated that the June 7th agenda was full and asked if the item could be tabled until the second meeting in June which would give Council time to meet with individuals. Councilmember Cox asked if Councilmember Paul was amending her motion and she responded in the affirmative.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table item 9.2 to June 21, 2000. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Weiner - no; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 3-1)

9.3 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
2000-16 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)

Town Clerk Reinfeld read the ordinance by title.

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

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

9.4 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2000-17 **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.

Carlos Gonzales, representing the petitioner, was present.

Vice-Mayor Weiner asked if anyone wished to provide testimony in favor of or opposition to the ordinance. No one spoke.

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

Quasi Judicial Hearings

9.5 **REZONING - ZB 3-1-00, F.L.R. LLC/Ma Thanh Pham, 5000 SW 82 Avenue**
 (from CF to R-5) Planning and Zoning Division recommended approval
 subject to the planning report; Planning and Zoning Board recommended
 approval subject to the planning report

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 into the record. He summarized the planning report.

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 Cox asked about traffic and inquired when the petitioner again appeared before Council, would they have to replat and whether the traffic issue would be addressed. Mr. Kutney responded in the affirmative and indicated that traffic concurrency would again be reviewed during the next presentation before Council.

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

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- 9.6 **REZONING - ZB 4-1-00, Davie Builders, L.L.C./Loecher, 5230 Pine Island Road (from A-1 to CF)** *Planning and Zoning Division recommended approval subject to the approval of variance V 4-2-00; Planning and Zoning Board recommended approval subject to the approval of variance V 4-2-00*

Town Clerk Reinfeld swore in the witnesses. Mr. Katims advised that his qualifications were on file in the Town Clerk's Office and entered the planning report into the record. He summarized the planning report.

Barbara Hall, representing the petitioner, explained that Alpha Baptist Church and Davie Builders would be the developers for the overall project. She commented that the item would appear familiar to all Councilmembers, except Councilmember Clark. Ms. Hall commented that in September 1999, she had asked for approval to change five acres of the property from CF to "low 5" and to designate a parcel for the church. She presented a map showing the property location and stated that there was equal distance between Griffin Road and Stirling Road with the fronts on Pine Island Road, going through to State Road 84. Ms. Hall stated that during her initial appearance before Council, she asked that the current area be changed to "low 3" and the proposed area would become the church property. However, since the initial presentation the property was no longer part of the development, she was no longer asking for the location to be changed to "low 5" as it would now be turned into a lake to accommodate the drainage for the church and the surrounding residential property. Ms. Hall stated that the overall residential use on the property would be three units per acre which was what was permitted under the plan that would be presented to Council in June. She indicated that the request presently before Council was to change the present parcel to CF to accommodate the church's move from one location to another. Ms. Hall indicated that a waiver was also needed for the distance requirements from the church which was changing from a church to residential. She stated that in the event the change was not approved, the waiver would be needed.

Ms. Hall also indicated that item 12.8 was a request for Council to authorize the waiver to allow the petitioner to seek the variance because a waiver had been requested previously for a portion of the church.

Ralph Button, representing Alpha Baptist Church, expressed his thanks to Council for their consideration of the item. He stated that he believed the proposed plan would be beneficial to the community in a positive way in better use of the land.

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.

Councilmember Paul asked what the distance was between the churches based on the variance that was being requested. Ms. Hall responded that she did not have the information available, but indicated that the variance would be presented to Council at a later date. She stated that the petitioner was requesting a waiver to present to the Planning and Zoning Board to bring back to Council. Councilmember Paul inquired from staff if the item was unique enough and whether or not a precedence had been set. Mr. Katims commented that regarding the waiver, the variance request would fall just inside one year from the date that the last variance was considered. He indicated that there had been a change in circumstances and staff felt that it was justified for Council to grant the waiver without setting any kind of negative precedence.

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Councilmember Cox commented that removing the residential from Pine Island and moving the pieces around would provide a better development for the entire area, certainly for the church. She stated that this was a better use of the land which she would approve.

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

12.8 Councilmember Cox stated that she had no problem approving a waiver to be presented to Council at a later date. Councilmember Paul commented that this was a unique situation.

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

Items to be Tabled

**9.7 PLANNING AND ZONING BOARD TABLED TO MAY 24, 2000;
TOWN COUNCIL CAN TABLE TO JUNE 7, 2000**

VACATION/ABANDONMENT - VA 2-1-00, Danielle/U-Pull-It, McKenzie Tank Lines, Inc., Adler Development, Inc., Manchac's Paving, 4000 SW 47 Avenue (to vacate a portion of right-of-way known as SW 46 Avenue; approximately 2,000 feet in length)

This item was tabled earlier in the meeting.

**9.8 PLANNING AND ZONING BOARD TABLED TO MAY 24, 2000;
TOWN COUNCIL CAN TABLE TO JUNE 7, 2000**

VARIANCE - V 4-1-00, Poggi, 11365 Earnest Boulevard (AG) (to construct an eight foot high fence adjacent to residential zoned land exceeding the maximum allowable six foot height)

This item was tabled earlier in the meeting.

10. APPOINTMENTS

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

Vice-Mayor Weiner indicated that Mayor Venis should appoint a candidate to the Youth Advisory Board, however, Mayor Venis was absent. He asked if Mayor Venis had submitted any name in advance with Mr. Middaugh responding negatively.

10.2 Site Plan Committee (one appointment per Councilmember; terms expire June 2001) (members must be residents of the Town and, whenever possible, should be an architect, landscape architect and an urban planner or designer)

Councilmember Clark appointed Sam Engel. Vice-Mayor Weiner appointed James Marcellino.

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10.3 Davie Water Advisory Board (exclusive appointment - Councilmember Clark; term expires December 2000)

Councilmember Clark deferred her appointment to the next meeting.

10.4 Parks and Recreation Advisory Board (exclusive appointment - Councilmember Cox; term expires August 2000)

Councilmember Cox appointed Bill Edmondson.

10.5 Affirmation of the Community Redevelopment Agency's Selection of Chairman and Vice-Chairman (Chair - Neal Kalis; Vice-Chair - Joan Kovac)

Councilmember Paul made a motion, seconded by Councilmember Cox, to accept Neal Kalis as Chair, and Joan Kovac as Vice-Chair of the Community Redevelopment Agency. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

11. OLD BUSINESS

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

Councilmember Paul stated that this issue was introduced two years ago and she was bringing it back. She explained that any person who had been an officer or former employee of the Town would not be able to represent for compensation before the Town for a period of two years. Councilmember Paul indicated that this had brought about some discussion previously and maybe it would do so again in terms of the section that stated, "except for the purposes of collective bargaining." She commented that she would be willing to address that particular piece if anyone had any questions. Councilmember Cox asked how that would be addressed. Councilmember Paul indicated that there was a question as to why Council would do this without exception. Vice-Mayor Weiner indicated that the legal answer was that it would be preempted by State Statute through the Public Employee Relations Act which meant that an employee or a union's right to chose who their attorney or representative would be for collective bargaining could not be interfered with. Councilmember Cox stated that she did not think anybody should be exempted.

Vice-Mayor Weiner indicated that he had received a package from Tom Truex with regard to various Ethics Code from cities, the County and the State. He suggested that Council defer any decision until he had had an opportunity to meet with anyone who wanted to participate in drafting a document for a proposed Ethics Code. Councilmember Paul indicated that she had no problem deferring a decision; however, she suggested that when the item came back to Council, it should be presented as an ordinance for discussion to move forward. Vice-Mayor Weiner indicated that it would still be discussed under Old Business. Councilmember Paul indicated that the item had been discussed under Old Business and if there was any indication that it could be moved forward, it should be presented for first reading.

Vice-Mayor Weiner stated that he had reservations about passing the ordinance with regard to the issue as he understood the purpose behind it and he would like to draft an entire Ethics Code. He indicated that he had a fundamental disagreement with regard to the issue of not accepting the collective bargaining issue as Councilmember Cox's position was all or nothing. Vice-Mayor Weiner commented that knowing what the State law was regarding the Public Employee Relations Act and collective bargaining, he could not go

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against something that would be preempted by State law. Councilmember Paul commented that she would agree with Vice-Mayor Weiner if the item came up for a vote and if the majority of Council agreed with it, it would move forward.

Vice-Mayor Weiner asked if the proposed ordinance would have to be advertised with Town Clerk Reinfeld responding in the affirmative. Vice-Mayor Weiner inquired if Council wanted the item to move forward in its present state. Councilmember Paul commented that it was important to the Town. Vice-Mayor Weiner asked if a motion was needed for the item to be advertised with Town Clerk Reinfeld responding in the negative. Councilmember Cox indicated that she was opposed to the proposal as it was another effort by government to control people and to restrict their activity. She commented that was why there was a State Statute indicating "for purposes of collective bargaining" and this was just government sticking its nose in where it should not be.

Councilmember Clark asked if Council would be approving the item as is or with Vice-Mayor Weiner's original suggestion after discussion. Vice-Mayor responded that he was asking for Council's direction.

Councilmember Paul made a motion, seconded by Councilmember Clark, to move forward and to make another decision based on that vote. In a roll call vote, the vote was as follows: Mayor Venis - absent; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - no; Councilmember Paul - yes. (Motion carried 3-1)

11.2 Agrarian Policy

Vice-Mayor Weiner stated that this proposed ordinance had been derived from lengthy meetings and would probably impact many other meetings in the future. He commented that what he had tried to do in terms of drafting the ordinance between Ms. Aiken, Mr. Hurley and himself, was to incorporate most of the discussion held during a previous workshop and also address those areas of the Town Code that seemed to cause the majority of the problems with regards to the Florida Right to Farm Act, as well as other State laws pertaining to agricultural operations.

Councilmember Paul expressed thanks to Vice-Mayor Weiner for the excellent job he had done. She commented that the essence of every item that had been discussed at the workshop had been included in the ordinance and would like to move forward with the ordinance.

Mr. Middaugh indicated that he had asked Mr. Kutney to take a technical look at the ordinance to see how it was integrated and whether other provisions were up to Code. He stated that he had received a lengthy memo on comments and issues that staff thought might exist. Mr. Middaugh indicated that there were some technical issues that he did not believe were intended. He referred to Section 4 where there was a footnote that if it was used as presented, it would delete certain parts of the Code; something he believed could easily be solved. Mr. Middaugh stated that there were some other issues of that he did not believe were intended as such, where agricultural districts were placed in residential areas as a "use by right." He commented that the "use by right" changed substantially and fundamentally the residential zoning district and the expectation of the residents of current ownership and what could or could not be permitted in that zone. Mr. Middaugh indicated that he did not believe that that was the intent but that was the result that was seen and staff wanted to get Council's direction. He stated that there were some technical things that were not worth "nit-picking" about because they could be resolved. Vice-Mayor Weiner stated that the intent

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was there, with Mr. Middaugh commenting if that was the case, what was being introduced into a residential district was an expectation that residents did not have. Vice-Mayor Weiner stated that it was not the expectation but rather what State law implied and the understanding of the State law as discussed at the workshop as well as trying to flush out what was going to be drafted. Mr. Middaugh stated that it went beyond the Statute in certain areas and if that was Council's intention, it was an area that the Town would have to cross into. He asked how Council would like staff to present those concerns whether now or before the ordinance was prepared. Vice-Mayor Weiner indicated that the easiest thing would be to present the staff analysis to Council for review. Councilmember Paul asked if the analysis would be part of the first reading with Vice-Mayor Weiner responding negatively and stating that if a decision was made, he would like to have a substantial change and that would require advertising. Mr. Middaugh stated that he would remove the footnote question from the list and narrow it down to some substantive type of change and make a simple list to bring back for Council's attention. He stated that the analysis was not in a format that could be presented to Council but he would have it ready for presentation at the next meeting. Councilmember Paul indicated that in the meantime, Council needed to move forward in terms of its intention to do what was stated, something that she was concerned about. She commented that she had to look at what Mr. Middaugh would be presenting to Council.

Councilmember Clark asked if staff was proposing changes. Mr. Middaugh explained that staff was not proposing changes, but would propose issues that were seen in the ordinance. Councilmember Cox indicated that she would like to know the scenario that staff was concerned about. She commented that Vice-Mayor Weiner was now concerned about horses and evacuation, but Council was going forward with allowing barns to be built that did not meet Code, and questioned how both could be accomplished. Vice-Mayor Weiner stated that a farm did not have to meet the Code. Councilmember Paul commented that the farmers had indicated that when it came to a barn, they realized the importance of adhering to the Code and had indicated that they would make every effort to make sure that the structure did not fall apart. Councilmember Cox commented that that was Councilmember Paul's committee and the people she dealt with, but there were other people who were not on the committee who did not care to comply with those issues. She pointed out that Council was trying to deal with this ordinance as well as accommodating the agricultural interest and trying to make things safe for the Town.

Councilmember Cox stated that she was interested in hearing from staff in terms of what was seen as the pitfalls. She indicated that she had the utmost respect for the people who worked on the analysis and who wanted to see some things happen. Councilmember Cox commented that she wanted to see agricultural uses continue in the Town but there was the potential for opening a door that could come back to "bite" the Town. She indicated that the real issue she saw was if there was someone engaged in an agricultural activity that was being a problem to their neighbor, Council would act on that and this would come back to the agricultural community as a whole in a very negative way. Councilmember Cox commented that if everyone's interest was not protected to a certain degree, there was some backlash that would affect the Town. She wanted to know what staff saw as the potential backlash in the ordinance, if there were any and she would make a decision based on the "devil's advocacy" side of it.

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Vice-Mayor Weiner stated that he appreciated Councilmember Cox's comments. He indicated that when he began working on the first draft of the ordinance with some of the members of the Agrarian Committee, he shared the same concerns with regard to the structures for agricultural and farm uses. Vice-Mayor Weiner stated that unfortunately, Florida had decided that that was the policy.

11.3 Davie Elementary School Shelter

Councilmember Paul commented that Council would be moving forward with this item and asked if this would it would come back as Old Business with Vice-Mayor Weiner responding in the affirmative.

12. NEW BUSINESS

12.1 Transit/Shuttle Program

This item was discussed earlier in the meeting.

12.2 Waste Management Agreement (Vice-Mayor Weiner)

This item was deferred to the June 7, 2000 meeting.

12.3 Criteria for Town Donations to Organizations (Councilmember Paul)

Councilmember Paul indicated that she tried to create some questions that Council needed to answer to possibly get some direction so the item could be addressed when Council was approached for aid, such as waiver of fees for the rodeo arena. Councilmember Paul indicated that this should be added as part of the waiver because charitable organizations would fit into the category of donations. She commented that some of the questions that Council should be concerned about were funding issues, policy questions, how many were being affected in the Town by the request for donation, and should a specific dollar amount be set based on the number of people that would be impacted. Councilmember Paul explained that the question was whether Council wanted to place a limit on the amount of money given to charitable organizations. She stated that this happened last year during the budget process and it would happen again this year. Councilmember Paul indicated that there was an increase in requests last year and some type of criteria should be set. She asked if it was appropriate to use tax dollars to make donations. Councilmember Paul commented that citizens may decide that it was appropriate and these were some of the issue that should be reviewed. Sports teams were also discussed in terms of what would or would not be funded by Council as well as whether it was an individual or a team. She indicated that a sports team being recognized and being able to go on to the nationals was a point of pride that affected everyone in the Town. Councilmember Paul commented that this should be discussed and asked if this should be moved to Old Business and placed on the next agenda with revisions from other Councilmembers with the possibility of including it in a resolution.

Councilmember Cox asked if the item was for the budget or in general. She inquired if criteria was being established for whoever approached Council during the year and commented that she thought this was already established for the budget process. Councilmember Cox asked if Councilmember Paul wanted to establish a criteria for when Council was approached in the middle of the year, with Councilmember Paul responding in the affirmative. Councilmember Cox commented that her idea was to deal with it in

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September or Council would be approached all year long. Councilmember Paul indicated that as far as the budget process was concerned, there were organizations that were beginning to send letters of requests to Council and this criteria was being used for that budget process. She stated that the criteria would place limitations on what the organizations would ask for. Councilmember Cox commented that the idea was if an organization needed money, they had to inform Council how many Davie residents they served, that they had matching funds and how many services the Town received from each dollar donated which this was all part of the funding request. Councilmember Paul commented that the other question was whether Council would place a limit on the amount being donated and observe it as a certain amount per person. She referred to the Kids Voting and the letter that Council had received regarding its impact on every child. The amount requested was minimal based on the number of children that would be impacted compared to others where the amount requested was much higher.

Councilmember Cox indicated that Council would have to make a judgment call as to which organization it felt warranted more funds based on its work. She indicated that she thought those parameters had already been established. Councilmember Cox commented that concerning the sports teams, she thought that Council had decided to establish a "sinking" fund to put money aside, but she did not think it was ever done. She stated that there was money available from a fundraiser that was set aside for scholarships and sports and she thought that was a funding issue from the Parks and Recreation Department with instructions by Council. Councilmember Cox commented that she thought Council had done a good job with the baseball team that went to the nationals who raised money which was matched by Council.

Councilmember Paul commented that there had been discussions at the budget meeting in relationship to each Councilmember having an account and possibly tying both together. She commented that the question was asked by Mayor Venis if a Councilmember had an account and wanted to give the money to someone, could that be done. Councilmember Paul indicated that the response was very positive. She commented that she would leave this to other Councilmembers to see if they wanted to move forward with the idea.

Councilmember Clark asked if it was possible for Mr. Middaugh to provide a report to Council as to how much money was spent for fees waived and donations for last year. Vice-Mayor Weiner commented that it depended on how charitable was defined. Mr. Middaugh indicated that he would be able to provide the report for the categories that Councilmember Clark requested. Councilmember Clark commented that seeing a bottom line would help establish the criteria. Councilmember Paul commented that over the years, funds had been donated to the Police Explorers to attend conferences as well as the Miss America Pageant with the Davie Police.

12.4 Kids Voting (Councilmember Clark)

Councilmember Clark requested that this item be removed.

12.5 Identify Needs/Locations of Horse Owners During Hurricane (Vice-Mayor Weiner)

Councilmember Paul indicated that everything that Vice-Mayor Weiner had mentioned previously had already been addressed by residents and members of Trailriders

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who had worked on the hurricane evacuation program in the past. Councilmember Cox stated that she had been working with the County whose Large Animal Disaster Committee had reversed itself. She indicated that their position was that animals should be kept at home. Vice-Mayor Weiner indicated that he had heard that there was no formal policy by any city with regard to acquiring field space for residents horses. Councilmember Cox indicated that the County's Large Animal Disaster Team had stated previously that a large field should be found for horses if a resident felt that their barn was not safe. She commented that the Town had also participated in this. However, finding a field that an individual would allow someone else to use on a temporary basis with the liabilities involved was becoming increasingly difficult. She indicated that based on that, the County reversed its policy and the official policy was that the animals be kept where they were and if a resident's barn was not safe, the owner should make it safe. Councilmember Cox indicated that the County would not give the Town the landfill area and other options were being explored. She stated that the County was participating in post-hurricane evacuation but no pre-evacuation, but she was also working on other options with the Landfill Board. Councilmember Cox stated that she did not believe that there would be any cooperation from the County.

Councilmember Paul commented that some of the County's concerns were valid in relationship to the use of the landfill and she had heard that there was an attempt to find other fields. She commented that each time there had been an emergency, and the possibility of an oncoming hurricane, if there was a good strong barn that she could take her horses to, that would be her first preference. Councilmember Paul commented that when Pompano was open, there were stalls available that people could use. She indicated that in a storm as devastating as Hurricane Andrew, there was very little that anyone would be able to do to protect any of the animals. Councilmember Paul indicated that she was not aware of any barn that was a category five structure, but in a way she would rather have her horses in a familiar setting than in a strange place. She added that what the Trailriders had done was excellent and would like to see them continue especially cataloging the horses and having the data bank on all the horses.

12.6 Proposal from Nova Southeastern University on Aquaculture Facility

Vice-Mayor Weiner stated that Mr. Middaugh had received a proposal and indicated that he had also received a brief outline from Neptune Agriculture. Mr. Middaugh commented that he had not had enough time to review the proposal but it appeared to be an expense that was neutral for the Town and prevented the Town from spending money. He stated that it appeared to create a positive cash flow which was the baseline of what Council wanted to do. He explained that time should not be spent in a discussion and he would forward a copy of the Neptune proposal to Vice-Mayor Weiner so he could what options were available and decide if Council wanted to place the item on the next agenda for full discussion.

12.7 November 7, 2000 Referendum - Supermajority Vote

This item was discussed earlier in the meeting.

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12.8 Waiver of Code Section 12-309(C)(5) which requires that the Planning and Zoning Board not consider a second request for variance within one year, for the property with the general address of 5230 SW 82 Avenue (Madison Group)
This item was discussed earlier in the meeting.

12.9 Interlocal Agreement and One Cent Gas Tax Resolution
This item was discussed earlier in the meeting.

12.10 Davie Update - Council Comments

Vice-Mayor Weiner stated that there had been a long standing discussion about the Davie Update with articles by Councilmembers and whether the articles had been ghost-written. He indicated that Council would like to change the format so that there was one article from Council and the Administrator's Office whether it was on a rotation basis or one collaborative article between the Mayor and the Town Administrator. Vice-Mayor Weiner commented that there could be an article in one issue from the Town Administrator and one from Councilmembers in another. He stated that he would like to see a format where there was one message from Council with a picture of Council and the Town Administrator.

Councilmember Clark asked if there had been negative feedback on all the Councilmember comments. Vice-Mayor Weiner responded that there had been articles that were long. He stated that Councilmember's articles had 75 words with the Mayor's articles being 150 words. Councilmember Clark suggested that the articles be shortened. Councilmember Cox indicated that she felt that Councilmembers' articles were short enough, but articles could be consolidated to about half a page. She commented that things that were pertinent to the Town were "bumped" because of the Mayor's articles. Vice-Mayor Weiner commented that that was his reason for suggesting a rotating column. Councilmember Cox responded that she did not think that was a good idea. Councilmember Paul stated that most of the things that the Mayor included were things that Council was in the process of doing and they could be part of other articles as they had been in the past. Vice-Mayor Weiner asked what if Council gave an issue that it wanted the Town Administrator's office to write, and then there was a collaborative article with Council. Councilmember Cox indicated that she did not have a problem with that idea but Council should be given the opportunity to have issues that they wanted to bring forward published in the Davie Update. She stated that the Davie Update should not be the social calendar for any one person and commented she would like to see important issues from Council in the Update. Vice-Mayor Weiner responded that if there was a page from Council and the Administration, there would be plenty of space to incorporate those. Councilmember Cox stated that articles could be limited and it did not need to be a full page, but if there was something going on and Council required a page, it would be available. She referred to the Sunrise water issue and commented that that would constitute a page. Mr. Middaugh commented that something of that nature would require a feature article. He stated that he would probably ghost write the article but it would reflect the Town's views, policy and issues. Mr. Middaugh indicated that it would be a case of what Council wanted to see reflected.

Councilmember Cox commented that the original reason for the Davie Update was to stay in touch with the residents, and getting residents to know the face of their Councilmembers was still an important issue. She stated that the picture issue was important to let residents know each Councilmember's district and how the entire business

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was structured. For the many new residents, the quarterly update was important. Councilmember Paul referred to the recent group picture and commented that it might be a good idea to show Council as a group working together rather than showing individual pictures.

Councilmember Clark commented that it appeared to be a collective agreement that the Mayor's comments were the longest and most detailed. She suggested that rather than have the Town Administrator be responsible for what was being written, allow the Mayor to continue and Councilmembers to make suggestions. Vice-Mayor Weiner indicated that he had a concern with what a Councilmember would write because if it was an item that would be coming up for discussion at a Council meeting whether political, social or otherwise, there would be a problem because Sunshine Law did not allow for discussions outside a meeting. He commented that Mayor Venis, though well meaning and well intentioned, tended to have lengthy articles. He stated that the fairest thing to Council was to have an article that reflected what Council was doing as a cohesive unit and working with the Town Administrator to get the message out to residents.

Councilmember Clark commented that she would like to see a section dedicated to the Police Athletic League (PAL). She stated that it was growing and it was not represented although they offered a sports program and had a facility. Councilmember Clark indicated that unless children were in close proximity, they were not aware of PAL. She commented that she did not know if this was an item for the agenda, but she believed space should be made for them and residents should be aware of PAL just as they were aware of the Boys and Girls Club. Councilmember Clark commented that this was a great opportunity to support the police and assist them in becoming more involved in the community.

Councilmember Cox commented that she did not have a problem with the idea and stated that nothing was done to promote the Boys and Girls Club in the Update. She indicated that it would be part of what was provided in recreational and after school service and was a way to familiarize the residents with it.

Councilmember Paul commented that there had been occasions when deadlines had been missed getting the Davie Update circulated and this had an impact on the community because of date specific items that were printed. She indicated that by waiting on individuals to complete their articles, the Update could not be published in the prescribed deadline. Councilmember Cox suggested that anyone who had an issue that they wanted in the Update should submit it to Mr. Middaugh for review, he could then circulate it to Council indicating what he would be including in his Update message and if Council had any comments.

Mr. Middaugh asked what Councilmember Cox meant by his Update message. Councilmember Cox commented that instead of having individual messages, there should be one collective message regarding pertinent issues before Council. Councilmember Cox referred to the Sunrise litigation and commented that this was an issue that the entire Council had supported and the community should be given an update as to what was going on. She commented that there were many other items that could be published to try to build better links with the community.

Councilmember Cox made a motion, seconded by Councilmember Paul, to consolidate Council and the Mayor's Message into one collective article and in that article, Council could submit topics that they would like to see covered. In a voice vote with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

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12.11 Executive Session

Vice-Mayor Weiner stated that Mr. Kiar had requested that an Executive Session be scheduled to discuss the Sunrise litigation. He commented that there should be a specific list of who would be present, the date, the expected length of the session and the purpose of the session.

Mr. Middaugh state that Joseph Serota had indicated that he had no objection to the meeting being held on May 22nd. Mr. Kiar estimated that the meeting would last for one and a half hours.

The meeting was scheduled to be held on May 22, 2000, at 5:30 p.m. with Council, Mr. Middaugh, Mr. Kiar, Mr. Serota, Mr. Bierman and a court reporter being present. Mr. Kiar indicated that the purpose of the meeting was to discuss the pending mediation settlement strategy to receive Council's input and direction.

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

Councilmember Cox stated that ATC's were becoming a problem on some of the trails and by the next meeting, she would like legislation drafted that would give the police some authority to deal with the issue. Councilmember Paul commented that she had had some reports concerning trails in Imagination Farms. She indicated that she had checked the trails for possible access points and was unable to locate any. Councilmember Cox stated that police officers should be provided with some type of legislation which would allow them to either confiscate the ATC or to give a citation. Vice-Mayor Weiner asked if this was covered by uniform traffic laws. Councilmember Cox indicated that some police officers were encountering problems with violators who were stopped, and then returned the following day. She commented that after so many warnings, a stronger approach should be taken.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 12:28 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk