TOWN COUNCIL
REGULAR MEETING
AUGUST 2, 2000

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:18 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

3. OPEN PUBLIC MEETING

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

Special Projects Coordinator Bonnie Stafiej introduced Ron Bergeron, parent organizer for the Youth Rodeo Children events, and LeeAnne Sullivan, secretary of the Davie Rodeo Association. Mr. Bergeron thanked Council for supporting the community's youth and the rodeo. In appreciation for the Town's valuable support and in acknowledgment of its generosity toward the children, he presented Council with a plaque.

Dean Alexander, 13820 SW 16 Street, stated that one of the priorities of the Senior Citizen Advisory Committee was transit for seniors and residents who could not or chose not to drive. He indicated that previous Town Administrator Robert Middaugh and Programs Manager Will Allen had committed to having the transit system operating; however, it was not yet operational. Mr. Alexander reminded Mayor Venis that this was one of his campaign promises and felt it was important that a follow up be provided. He felt that Mr. Allen should provide some assurances to the community that the system would be operational by October 1st. Mr. Alexander asked that Mr. Willi attend the September Committee meeting to provide a report.

Mr. Alexander, 13820 SW 16 Street, stated that he was concerned with the quality and deterioration of the Council television and sound systems. He indicated that residents were complaining of the poor quality. Mr. Alexander stated that the system used by the Town were substandard and that the system was breaking down. He provided proposals for the Town's review, indicating that the approximate cost for a new system was $25,000. Mr. Alexander felt that discretionary funds could be used for this purpose. He stated that although the Town had made some improvements, the system could use additional improvements that were well overdue. Mr. Alexander requested that Council take action to purchase and install the necessary equipment to provide proper viewing for residents at home.

Rose Anderson, 4950 SW 11 Terrace, referred to the rodeo arena and questioned if Council had the legal right to give away all control of a piece of public property. She felt that the taxpayers had absolutely no say in what happened with the arena and expressed how unfair this action had been to the taxpayers who maintained the property. Councilmember Clark requested that Mr. Kiar provide a written response to Ms. Anderson's question. She also asked Mr. Kiar to review the contract to determine if any rights, other than for advertisements, had been relinquished.

Cindy Osborne, 4420 SW 64 Avenue, stated that she had attended the previous meeting where the budget had been discussed; however, as the meeting ran late, she did not speak on an issue of concern. She asked that funds be allocated for a property on the east side of Davie, as well as the $269,000 allocated for use at the Nova High School property, to be

used instead to assist the children on the east side by providing improvements to the two parks in that area. Ms. Osborne stated that during the summer months, children spent most of their time harassing the merchants on Davie Road because they had no place to play. She felt that the vacant lot next to Town Hall could be used to provide summer programs where children could play safely without getting in trouble.

Ms. Osborne emphasized that residents did not want a plaque on the rodeo arena, they wanted the name "Davie Rodeo Arena" on the building. She stated that the residents also wanted the "gateway" signs to announce the "Davie Rodeo Arena."

Councilmember Paul questioned the property that Ms. Osborne was referring to on the east side. Ms. Osborne stated that this was a larger piece of property as the current parks were inadequate. She said that there was a parcel south of Griffin Road on 61st and a parcel on 64th which she thought may not be safe because of the high voltage wires.

Bob Amchir stated he had been upset with a few previous meetings which had been filled with innuendoes that Council was not doing a good job. He stated that he was concerned with the Police and Fire Departments, stating that they required additional staffing to avoid Broward County taking over those departments. Mr. Amchir expressed concern that proper equipment be provided, without having to waste time on things such as the name of the rodeo arena. He felt that while the Town was growing, it was not keeping up with its emergency services. Mr. Amchir stated that he was proud of the Town and was willing to pay to provide proper protection. He indicated that this was the only way to provide a safe community for his family, children, and friends.

Mr. Amchir stated that single member districts were the worst thing Council could initiate as all Councilmembers needed to be responsible for the Town. He indicated that the residents also had a right to vote on all districts within the Town to ensure that issues of concern were properly addressed.

Mr. Amchir reminded Council that all the improvements in the Police Department had been achieved through grants. He indicated that Mr. Willi could not do any worse than any of the previous administrators.

Larry Davis, 10951 SW 42 Place, expressed the importance of ensuring that single member districts be placed on a ballot for the people to vote on, determining if this was the road the residents wanted to follow. Mayor Venis stated that this issue would be discussed later in the meeting.

Franklin Brown, 4731 SW 54 Terrace, referred to the improvements on SW 64 Avenue, stating that the height of the new lights on this road were very distracting to drivers during evening hours. He indicated that the trees planted on the east side of the road obstructed the view of drivers.

Mr. Brown stated that the improvements on Griffin Road had caused a drainage problem, with side streets flooding with runoff water. He questioned whether the Town or the Department of Transportation was responsible for correcting this problem. Mr. Brown stated that when the improvements were proposed, they looked good on paper; however, he felt that the design had failed and did not work.

4. PRESENTATIONS

4.1 Military Vehicle Preservation Association

Ms. Stafiej introduced Fred Perkins who provided the military equipment on Independence Day each year. Mayor Venis presented Mr. Perkins with a plaque in

recognition of the time he gave in participating in Town events. Mr. Perkins stated that it was an honor to be a part of in the Town's activities and felt that providing a bit of history was important.

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

Sharon Pierce-Kent, Parks and Recreation Director, announced that upcoming events included: flag football (registration); adults and seniors IMAX theater trip (August 15th); adults and seniors birthday bash (August 25th); theater group participants (Tuesday nights)

Ms. Stafiej advised that upcoming events included: barrel racing competition (August 5th); back to school health fair (August 5th); bullriding competition (August 12th); Florida State Junior Rodeo finals (August 19th and 20th); Youth Talapia Fishing Day (August 12th, September 9th, and October 7th); Second Annual Safety Summit Symposium (September 23rd); and Labor Day events (September 4th).

Mayor Venis announced that items 8.4, 11.3, 11.4 and 11.5 needed to be tabled to August 16, 2000.

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

Mayor Venis announced that item 8.10 was being withdrawn and would be rescheduled at a later date.

Mayor Venis announced that item 9.1 needed to be tabled to September 6, 2000.

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

Mayor Venis advised that item 11.2 would be discussed at this time.

11.2 Debbie Orshefsky, Larry Portan, Alan Fant, and Kevin Ratterie, representing the petitioners, were in attendance. Ms. Orshefsky indicated that Council had directed G.L. Homes to work with the surrounding communities and for staff to prepare its applications. She reported that a great deal of support had been obtained through these efforts. Ms. Orshefsky stated that every effort had been taken to develop a concept by addressing the concerns of staff and the community. She indicated that staff had recommended approval, subject to modifications which the applicant had agreed.

Ms. Orshefsky stated that staff had recognized that approval of this proposal would provide public benefits, such as open space, enhancement to the trail system, and additional recreational areas. She indicated that the proposal had been reviewed by the Planning and Zoning Board which had, by a majority, agreed that the proposed changes would be beneficial. Ms. Orshefsky felt that this proposal would provide the Town with an additional tool to implement this zoning category.

Planning and Zoning Manager Jeff Katims described the proposed changes and explained the differences between the proposed zoning and the previous Estate (E) District the Town had ultimately repealed. He indicated that the E District had not accomplished the Town's original intent; however, he felt that the proposed zoning would for this type of development.

Mr. Katims advised that if this concept was approved, staff wished to refine the language in the proposed ordinance. He referred to an addendum to the planning report and briefly described its contents. Mr. Katims indicated that the Planning and Zoning Board had voted three to two to approve the proposal, subject to Council considering increasing the minimum lot size from 20,000 square feet to a number that was more acceptable to Council and the public and accessibility by the public to more than 25 percent of the recreation areas.

Councilmember Paul asked the reason for the two dissenting votes from the Planning and Zoning Board. Mr. Katims advised that the Board had debated the E zoning versus the current proposal. He explained that discussion had been held concerning the value of the traditional 35,000 square foot lot versus the smaller lot type development. Mr. Katims stated that discussion had also been held concerning the ability this proposal would provide for higher density on a given property. He stated that Ms. Moore had voted against the motion as she approved the proposal as submitted and did not support additional restrictions. Mr. Katims explained that Messrs. Stahl and Davis had reservations concerning the proposal, but were in favor of the proposal with the modifications provided.

Councilmember Cox stated that the use of masonry walls had been eliminated, but asked if staff would object to the development providing fencing or a gated community. Mr. Katims replied negatively to the fencing but indicated that staff had not yet reviewed the issues of a gated community. He stated that the Code provided that a gated community had to provide walls and, therefore, this concept would essentially prohibit gates. Councilmember Cox asked what the net yield of lots would be with the proposed language. Mr. Katims was unsure, but believed that there would be a 10 to 15 percent increase to the number of homes that could be built using this proposal.

Councilmember Paul asked if the roads within the development would be considered public or private roads. Mr. Katims responded that this issue had not yet been addressed by staff.

Mayor Venis stated that there was a development on the west side of town that provided for hedging around the fencing. He questioned if this would be permissible under the proposed concept. Mr. Katims explained that Council had the authority to approve an alternate screening method of substantially solid appearance. He indicated that it was Council's discretion to consider this type of screening for a development.

Vice-Mayor Weiner asked if it was possible to limit the district to a specific geographic region such as what was accomplished with the Griffin Road corridor. Mr. Katims believed that if the district could be used in more than one location, then this would be permissible; however, he deferred to Mr. Kiar for a legal opinion. Mr. Kiar stated that it was his understanding that there were four parcels within the Town that qualified to use the proposed zoning district. Mr. Katims agreed, but advised that not all the parcels were located within the same geographical area. He then described the location of the sites that would qualify for use of the proposed zoning district. Vice-Mayor Weiner asked if there were any other sites located east of Flamingo Road with Mr. Katims replying in the affirmative. Vice-Mayor Weiner asked if Council could extend the geographical area east to University Drive. Mr. Kiar stated that the Griffin Road Corridor was unique and he did not know if the parcel in question was unique. He indicated that if any other applicants came in with similar type parcels, Council would be hard-pressed on this issue. Vice-Mayor Weiner stated that this was his reason for questioning if the zoning district could be extended to two of the four parcels

meeting the criteria. Mr. Katims explained that it needed to be clear that the zoning district was not being written for one parcel, stating that there had to be an opportunity for other property owners to use the same district zoning.

Vice-Mayor Weiner asked Ms. Orshefsky if, as an attorney, she could provide a legal opinion as to whether the Town could restrict this zoning district to Flamingo Road to the east. Ms. Orshefsky stated that geographically limited zoning districts were routinely done for a variety of public purposes as long as they were not uniquely specific for one parcel. She felt that this was permissible and that Council could, at its discretion, write the language that a smaller parcel could utilize this zoning district when reviewed on a case-by-case basis. Ms. Orshefsky stated that providing this type of language would also possibly increase the number of parcels that would meet the requirements of the zoning district. Mr. Kiar stated that in creating a new zoning district, an applicant would have a good argument to have the zoning applied evenly throughout the Town. Ms. Orshefsky explained that placing a specific geographical limitation on a zoning district or reviewing each application as it was brought for consideration, was at Council's discretion.

Mr. Ratterie explained the specifics of the proposed zoning district and displayed a graphic that showed the comparisons of compatible development. He indicated that any lot that fell below the minimum 35,000 square feet would need to be located internally or adjacent to property that had similar development patterns. Mr. Ratterie clarified how the open space and recreational criteria would be handled. He explained that deed restrictions against horses would not be permitted.

Councilmember Clark stated that she had met with the applicant a few weeks ago and was impressed with the proposal; however, she indicated that she was under the impression that the density would not be increased. Mr. Ratterie stated that the proposed zoning district would allow only one unit per gross acre; however, it would eliminate the required 35,000 square foot lots. He indicated that the site they were proposing for the use of this zoning district was 450 acres; however, only 408 units would be developed due to the average lot size of 25,000 square foot lot area. Development Services Director Mark Kutney stated that the proposed zoning would provide an increase in the builders yield per project, but the density per acreage was actually the same.

Mayor Venis opened the public hearing.

Jason Curtis, 3801 Flamingo Road, asked how many acres were being proposed for this zoning district. Vice-Mayor Weiner replied that Council was not considering a specific site but, rather the zoning district itself. Mr. Curtis stated that he had a problem with gated communities, stating that if the roads were to be publicly owned, the proposed development should be open to the public. He indicated that residents wanted to maintain a rural atmosphere and did not want any more gates, fences, or walls. Mr. Curtis stated that 450 acres of fenced in land was a lot of land and he opposed the approval of this kind of development.

Barry Schapner stated that he had originally come to speak against this project; however, after attending the meetings with the developer, he wished his development had been constructed under the proposed regulations. He indicated that he resided at Majestic Groves and explained that the children's play area was on the street and there were no bermed areas or landscaped open spaces for the community. Mr. Schapner emphasized that the drainage in the neighborhood was non-existent and although there were some nice homes, it was not a good development. He said he was in favor of the proposed ordinance, stating that it would provide a nice community within the Town.

Larry Davis, 10951 SW 42 Place, advised that his concern was with the density issue and felt that Council was not getting a "plain English" answer. He stated that this type of district would provide for a higher density than the existing three zoning districts. Mr. Davis expressed concern over the proposed lot sizes, stating that calling a 20,000 square foot lot a builder's acre was offensive. He indicated that restricting horses on any of the lots was a problem, believing that horses needed to be permitted within the development due to the equestrian trails in the area. Mr. Davis felt that this community should not be permitted to be a gated community.

Mr. Davis stated that Council had asked for the reasons of the dissenting votes on the Planning and Zoning Board and indicated that pursuant to Mr. Kiar's opinion, Council was permitted to receive copies of the minutes for that Board. He indicated that Council did not have copies of the minutes to have the benefit of the discussions held because the minutes were not being transcribed in a timely fashion. Mr. Davis felt that having those minutes would assist Council in making these crucial decisions. Mr. Kutney stated that he had addressed this issue with the Board in the past and explained that the problem was not only a transcription problem, but a system problem. He indicated that in the manner in which the cases were docketed, there was insufficient time to have the Board approve the minutes prior to being disbursed to Council. He stated that he and Mr. Katims were working on changing the schedule in which the cases were heard, anticipating that this issue could be resolved. Councilmember Paul agreed that it was important that Council have the opportunity to review the statements made at the Planning and Zoning Board meetings. Vice-Mayor Weiner stated that Council had requested that the planning report indicate if a Councilmember had attended a Board meeting and questioned, since there was no notation, if anyone had attended the meeting. Mr. Kutney replied negatively. He stated that although Vice-Mayor Weiner and Councilmember Paul had attended the meeting of August 12th, no testimony was heard as the item had been tabled at that time.

Diane Aucamp stated that she was in favor of the ordinance and reiterated Mr. Schapner's comments. She felt that the ordinance would allow progress in the community and approved of the recommendation to approve.

Jeff Kaufman, 13221 SW 39 Street, stated that he and his wife had looked for a planned and gated community with bigger lots. He indicated that in investigating the choices, he had come across the E District and was grateful for finding Imagination Farms. Mr. Kaufman was in favor of the ordinance, stating that the district would provide individuals with other options without having the burden of maintaining one acre lots. He felt that providing additional homes would add to the Town's revenues, thereby increasing its security and ability to provide police and fire services.

Rick Harris, 2255 SW 105 Terrace, stated that he was not a "horse person" in the sense that he would want to own one; however, he believed that this was part of the Town's character. He indicated that his development did not allow horses and was "jealous" of the types of improvements G.L. Homes provided in its community. Mr. Harris said he supported the ordinance, indicating that the lifestyle and ambiance known to Davie would be maintained.

Alan Senarens, 2460 SW 105 Terrace, stated that he was a landscape architect and had designed the Westridge development. He wished this ordinance would have been

incorporated before that so that a better development could have been designed. Mr. Senarens indicated that although the lots in his community were 35,000 square feet, he would have gladly given up footage to provide additional improvements to the community.

Sherry Joustrup stated that she and her family had chosen Long Lake Estates as it provided a beautiful and safe community. She indicated that the overall community feeling was more important than living on a large lot. Ms. Joustrup stated that working with G.L. Homes had been a positive experience and indicated that she would welcome a neighboring community with the same quality development.

Rosa Groves, 11402 SW 25 Court, stated that she had a vested interest in this project because her property abutted the property in question. She asked that the ordinance be approved quickly so that the development could get started.

George Barascas stated that he had no problem with the developer, but did have a concern regarding the effect this project would have on the drainage in the area. He indicated that he had also moved to Davie for the additional land and was concerned that the density was being increased in the area. Mr. Barascas felt that the minimum builder's acre should be used, stating that a "nice development" could still be provided using the existing minimum lot sizes.

Barbara Barascas, 3420 SW 117 Avenue, asked that an acre be maintained as an acre. She indicated that G.L. Homes had indicated at its last meeting that they would be able to build an additional 25 homes on the site if the builders acre was not a requirement. Ms. Barascas stated that G.L. Homes representatives had indicated that if the proposed ordinance was not approved, they would not develop the property. She felt there would be other developers that would be willing to build on the property without changing the building requirements.

Lois Meyer agreed with Mr. and Mrs. Barascas' comments and expressed her preference that the property be developed under the current requirements.

Daniel Aaronson, 11003 SW 37 Manor, stated that he did not want the property to maintain its current zoning status. He felt that the proposed landscaping and berming would have a positive effect on his property. Mr. Aaronson stated that the 20,000 square foot lots would be located within the center of the proposed project and he felt that this would not affect his property in any way. He indicated that the Mystique homeowners' association had voted in favor of the proposed project and asked Council to approve the ordinance.

Janet Irks read a letter supporting the proposed ordinance from Linda Greck, a Majestic Groves resident who was unable to attend.

Joyce Steward, 10850 SW 28 Street, stated that she was originally opposed to the proposed ordinance, but the petitioner had addressed her concerns. She felt that Council should increase the 100 acre requirement would eliminate some questionable areas.. Ms. Steward felt that ensuring a minimum acreage for the use of the zoning would eliminate any questionable issues. She understood that the hearing was for the ordinance and not for G.L. Homes's proposed project, but believed that this type of plan would be beneficial to the Town. Ms. Steward stated that the surrounding areas already had similar size lots as water areas were allowed to be used in the calculations for the lot sizes. She felt that it would be difficult to accommodate a large house and horses on any property that was less than 35,000 square feet and, therefore, did not have a problem with the proposed restrictions against horses in the community. Ms. Steward believed that demographics within the Town had

changed tremendously in the past few years and understood that many new residents searched for security due to the areas they were coming from. She indicated that she was in favor of the ordinance with the restrictions imposed.

Michele Menasche, 3690 SW 106 Terrace, stated that she had attended the presentations made by G.L. Homes and indicated that her property abutted the proposed project. She indicated that she understood that the Town had worked hard to maintain the lifestyle and ambiance it was known for. Ms. Menasche expressed concern that if G.L. Homes did not move forward with the development of the subject site, the dirt road behind her property would be paved as an access by another developer. She felt that the proposed project would improve the aesthetics in the community by keeping the open spaces and providing berming and additional landscaping.

Tom Martinez, 10520 South Lake Vista Circle, stated that he had seen the Town grow in the years he had lived in the area and felt that the proposed ordinance would provide the essential needs for neighborhoods, such as parks, open spaces, trails and safe recreational areas. He indicated that G.L. Homes had been a good developer to work with, stating that the organization went out of its way to provide prospective buyers with the amenities that enhanced the community. Mr. Martinez stated that he supported the proposed ordinance and asked for Council's approval.

Linda Goltzman, 10180 South Lake Vista Circle,s indicated that although she liked the "country" atmosphere, she did not want to own a horse nor a full acre of land. She believed that she had the best of two worlds and asked that Council approve the ordinance. Ms. Goltzman stated that she had seen the plans G.L. Homes had prepared and had no objections to having the proposed community near her property. She felt that G.L. Homes had been amenable in working with existing residents and addressing the issues of concerns that were mentioned.

Peter Gardner, 3200 SW 116 Avenue, stated that his family owned the property being discussed and had met with many developers seeking to purchase the property over the past several years. He indicated that dealing with G.L. Homes had been a pleasure and believed that its representatives would deliver what was promised. Mr. Gardner stated that as a resident of the adjacent property, he had no objection to the proposed project and felt that it would inevitably be a long term benefit to the Town. He felt that the proposed amenities and improvements would only serve the Town in a positive manner.

Mayor Venis closed the public hearing.

Councilmember Clark stated that she had not heard so many positive comments in a long time and felt good to see that surrounding communities were supporting the proposed project. She wished that all developers would take the time and effort to ensure that their prospective neighbors' concerns were addressed in the same manner.

Councilmember Cox stated that working with G.L. Homes had been a pleasure to work with and were cooperative in addressing issues of concerns. She indicated that she had met with Ms. Orshefsky and a representative from G.L. Homes, on two separate occasions and had been "quite blunt" on what she was looking for and the type of support the developer could expect prior to obtaining her favorable vote. Councilmember Cox stated that she still had some reservations concerning the number of acres and how the density would change the Town. She indicated, however, that perhaps the Town was taking a new direction and she did not believe that it would adversely affect the Town as a whole.

Councilmember Paul stated that she saw a change in the character and lifestyle provided by the Town. She indicated that although many individuals who had spoken had indicated that these were the reasons they had relocated to the Town, the proposed project was very different from that which had originally been sought. Councilmember Paul was grateful that the proposed plan would ensure that 35,000 square foot lots would be provided in areas where existing large lots were developed. She expressed concern on a philosophical difference of what constituted an acre since a development being built on one unit per acre could actually provide a 20,000 square foot lot. Councilmember Paul stated, however, that the flip side of this type of development was the amount of open space that could be provided. She felt that the minimum lot size should be increased in square footage. Councilmember Paul was also concerned with the restrictions against horses, stating that the recreation trails would vanish if horses were continuously restricted within new developments. She believed that more emphasis was needed in the fact that the Town had a horse friendly atmosphere.

Councilmember Paul asked if G.L. Homes had indicated that the property would not be developed if the ordinance was not approved. Mr. Ratterie stated that G.L. Homes had never indicated that it would walk away from the property if the ordinance was not approved. He advised that the proposed district created a lot of amenities, requirements, and exemplary criteria that the standard districts did not have. Mr. Ratterie explained that not having the ability to develop the additional lots would prohibit the developer from providing the additional amenities proposed.

Councilmember Paul indicated that she had expressed concern with the "clustering" of homes and that she had been assured that the homes would not be clustered in the proposed development. However, the planning report referred to the clustering of homes within the district. Councilmember Paul stated that the proposed ordinance was very tempting, but felt that an increase in the minimum lot size, a removal of the deed restrictions against horses, and the removal of a gated community concept, was required to ensure that the rural character was maintained.

Vice-Mayor Weiner stated that he had met with Ms. Orshefsky and representatives of G.L. Homes and was "jealous to an extent" as his home was on a smaller lot size. He indicated that he understood the "rustic idea and romantic notion of Davie as horse country," but realized that the suburban atmosphere was inevitable. Vice-Mayor Weiner said he had no problem with the horse trails and questioned the need for deed restrictions, but had no real problems with having them. He felt that many people were looking for location and schools. Vice-Mayor Weiner indicated that his concerns with the ability of using this zoning district within certain areas of Davie was to ensure that the original atmosphere and lifestyle of Davie could be maintained in certain areas to ensure consistency.

At Mayor Venis' request, Mr. Kutney described the locations of the four properties that would qualify for the use of the proposed zoning district. Mayor Venis asked if a 350 acre requirement was included in the ordinance, would the only property being affected by the ordinance be the one parcel discussed by G.L. Homes. Mr. Kutney replied affirmatively. Mayor Venis asked how staff had arrived at the minimum parcel size of 100 acres. Mr. Kutney replied that the minimum requirement had been based on the Town's land records. Mayor Venis asked if the minimum size of 100 acres could be increased, to which Mr. Kutney provided the sizes and locations of four properties located east of Flamingo Road.

Ms. Orshefsky felt that providing a geographical limitation could be approached easily, but suggested that there were other ways of dealing with this issue. She indicated that the ordinance provided a very specific intent criteria which required minimum standards before being eligible for the proposed zoning category. Ms. Orshefsky stated that in an effort to address Councilmembers Cox's and Paul's concerns, Council might want to focus more on the criteria for the adoption of the ordinance and the compatibility with surrounding areas. She indicated that depending on how much suburban areas there were around a particular property would determine how the property would be developed under the new zoning district.

Mayor Venis questioned if the vacant properties that would be eligible for this type of development were contiguous to each other. Mr. Kutney replied that he did not have that information readily available. He explained that staff still wanted to review the details, but had embraced the concept because it was a planned district. Mr. Kutney felt that criteria could be included to ensure continuity within the existing neighborhoods within the Town. Mayor Venis asked Mr. Kiar if he could provide a legal interpretation concerning these issues. Mr. Kiar replied that he was not prepared to provide a legal opinion at this meeting, but indicated that the purpose for this meeting was for a general concept and that a proposed ordinance would be provided to Council at a later date.

Mayor Venis stated that he had met with Ms. Orshefsky and representatives of G.L. Homes, indicating that he had advised them that community support would be needed for a favorable vote. He felt that with some refinements, the proposed ordinance would be acceptable. Mayor Venis asked what would be the minimum square footage used for any given lot within the development. Mr. Ratterie replied that the minimum square footage would be 20,000 square feet.

Councilmember Paul expressed concern with Council approving this issue without first reviewing the criteria being proposed by staff. She felt that Council should table this item and allow staff the opportunity to prepare the criteria before Council moved forward with the consideration of this issue. Councilmember Paul was concerned that the old E District would resurface.

Councilmember Paul made a motion to table. The motion died for lack of a second.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, giving staff direction to move forward with the concept, addressing the issues that were presented tonight, such as the size of the parcels that would be subject to this potential zoning, the geographic location, and the clustering impact. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - no; Councilmember Paul - no. (Motion carried 3-2)

A recess was taken at 10:15 p.m. The meeting reconvened at 10:22 p.m.

5. MAYOR/COUNCILMEMBER'S COMMENTS

Mayor Venis asked if there were any objections to deferring the Mayor/Councilmember's comments. There were no objections.

6. TOWN ADMINISTRATOR'S COMMENTS

Mr. Willi stated that Budget and Finance Director Christopher Wallace had provided a memorandum detailing the Sunrise litigation. He asked that Council advise him of any issues of concern in the near future as the Town would need to move forward on this issue real soon.

Councilmember Clark stated that the previous Town Administrator and Council realized that the issue could not be placed on hold any longer. She advised that she was proud to part of the shuttle service issue and she did not believe that there would be a delay because of the change in administration.

Councilmember Paul announced that the Soroptimist International 6th Annual Golf Tournament would be held on August 19th. She indicated that all the proceeds would benefit the Old Davie School Foundation, Project Stable, EASE Foundation, and various scholarships.

Mayor Venis stated that he had spoken with Programs Manager Will Allen regarding the transit issue and indicated that an update would be provided on September 6th.

Councilmember Paul thanked all the individuals who had sent their best regards to her while she was in the hospital.

Vice-Mayor Weiner stated that Memorial Hospital would be holding a blood drive outside the Home Depot at the Tower Shoppes. He invited everyone to attend.

Vice-Mayor Weiner referred to Sunrise water, stating that he wanted the Town's other law firm involved in the discussions with the City of Sunrise in case litigation was necessary in the future. Mr. Willi stated that he was under the same impression and advised that they would be present.

7. TOWN ATTORNEY'S COMMENTS

Mr. Kiar stated that with the help of residents, he had successfully argued in opposition to the motion for summary judgment on the Kuegler case. He indicated that during the hearing, he had made it clear to the Court that the Town was ready to proceed to trial as soon as possible. Mr. Kiar stated that the attorney for the Kuegler's had indicated that he would not be ready to try this case until January or February 2001 and asked for direction from Council on whether to wait or to request an earlier date. He advised that he could request an earlier trial date, but asked Council to keep in mind that the Court did not have to approve such a request. Councilmember Paul believed that an earlier Court date should be requested. Councilmember Cox agreed. Vice-Mayor Weiner stated that Mr. Kuegler's attorney had indicated that he would be unavailable through September and, therefore, asked that a trial date be requested for October or November. Mr. Kiar felt confident that the Town could prevail with this case.

Councilmember Cox thanked the Police Department for its work on "Night Out Against Crime," stating that there had been a good turn out and the community had been very supportive. She also thanked the mobile crimewatch unit at Park City for their work, indicating that the community was very involved in that program.

8. CONSENT AGENDA

Minutes

8.1 July 10, 2000 - Special Executive Session (tabled from July 19, 2000)
8.2 May 3, 2000 - Regular Meeting
8.3 June 14, 2000 - Special Meeting

Resolutions

8.4 **LEASE AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION FOR A PARK SITE LOCATED ADJACENT TO THE FLORIDA TURNPIKE APPROXIMATELY 1300 FEET NORTH OF STIRLING ROAD AND PROVIDING AN EFFECTIVE DATE. (tabled from July 19, 2000)

8.5 **BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR ASPHALT RECREATIONAL PATHS. (Weekley Asphalt Paving, Inc. - construction of asphalt recreational paths with lime rock base and Parking Lots, Streets, S & S, Inc. - full depth asphalt recreational paths)

8.6 R-2000-176 **BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR JANITORIAL SERVICES FOR PARK LOCATIONS. (Cleaning Systems, Inc. - $47,124/year)

8.7 R-2000-177 **BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONCRETE RECREATIONAL PATHS. (Doug Amos Construction, Inc.)

8.8 R-2000-178 **BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR LAWN MAINTENANCE FOR PARK LOCATIONS. (lowest responsive bidder for each location - $160,746.50/year)

8.9 R-2000-179 **BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR FLAMINGO ROAD LANDSCAPE PROJECT. (Southeast Cattle Co., Inc. - $216,030.60)

8.10 **POLICE BENEFITS -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SETTING FORTH CERTAIN BENEFITS FOR POLICE CAPTAIN(S), MAJOR(S), ASSISTANT CHIEF(S) AND CHIEF OF POLICE OF THE TOWN; PROVIDING AN EFFECTIVE DATE.

8.11 R-2000-180 **MUTUAL AID AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-97-339, WHICH ADDS LANGUAGE TO SECTION I, VOLUNTARY COOPERATION OF THE LAW ENFORCEMENT MUTUAL AID AGREEMENT FOR VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE.

8.12 R-2000-181 **GRANT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING UNDER THE COPS MORE 2000 PROGRAM ADMINISTERED BY THE U. S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES AND TO ACCEPT THE GRANT IF AWARDED. ($337,795.90 total grant; $84,448.98 - local share)

8.13 R-2000-182 **PURCHASE -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO PURCHASE SPECIALIZED EQUIPMENT FOR THE TRAFFIC HOMICIDE INVESTIGATIONS UNIT OF THE POLICE DEPARTMENT. (not to exceed $19,000)

8.14 R-2000-183 **MITIGATION -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 87-112 FROM $7,800 IN AMOUNT TO $1,060.19; AND PROVIDING AN EFFECTIVE DATE. (A. Ulino, Jr. and Kathleen E. Ulino)

8.15 R-2000-184 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 87-112 FROM $22,000 IN AMOUNT TO $3,239.19; AND PROVIDING AN EFFECTIVE DATE. (A. Ulino, Jr. and Kathleen E. Ulino)

8.16 R-2000-185 **LIEN SUBORDINATION -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC., WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE.

8.17 R-2000-186 **SIGNAGE SYSTEM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AN AGREEMENT BETWEEN THE DAVIE COMMUNITY REDEVELOPMENT AGENCY AND GUIDANCE PATHWAY SYSTEMS, INC. TO DESIGN/BUILD A WAYFINDING SIGNAGE SYSTEM.

8.18 R-2000-187 **CO-SPONSORING SCHOOL PROGRAM** - A RESOLUTION OF THE TOWN DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO CO-SPONSOR AN ALTERNATIVE TO EXTERNAL SUSPENSION PROGRAM, ENTITLED JAGUAR EDUCATIONAL TRANSITION (JET) PROGRAM FOR THE PERIOD OF AUGUST 28, 2000 TO JUNE 14, 2001.

8.19 R-2000-188 **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERIM RIGHT-OF-WAY AGREEMENT BETWEEN THE TOWN OF DAVIE AND MEDIAONE OF GREATER FLORIDA, INC.; AND PROVIDING FOR AN EFFECTIVE DATE

8.20 **AGREEMENT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRAFFICWAYS BEAUTIFICATION IMPROVEMENTS TO FLAMINGO ROAD MEDIANS FROM ORANGE DRIVE TO S.W. 36 COURT AND FROM STATE ROAD 84 TO S.W. 14 STREET WITHIN THE TOWN OF DAVIE AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT. ($200,000 total; $100,000 to be reimbursed by FDOT)

Site Plan

8.21 SP 6-5-00, Extra Care Animal Hospital, 950 South Flamingo Road (A-9) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the conditions in the planning report adding: 1) removing the prohibition on horses and cattle which are to be allowed on the property; 2) adding some accent trees and shrubs at the walkway entrance, preferably six, something in the family of the Roebelenii variety; and 3) that the petitioner would come before this Committee with color samples of the barrel tile roof, the building, and the metal dome, as well as the tile.*

Councilmember Paul asked that items 8.5, 8.7, and 8.19 be removed from the Consent Agenda. Councilmember Clark asked that item 8.8 be removed. Councilmember Cox asked that item 8.21 be removed.

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 8.5, 8.7, 8.8, 8.19, and 8.21. In a voice vote, all voted in favor. (Motion carried 5-0)

<u>8.5 and 8.7</u> Councilmember Paul stated that both resolutions concerned recreational paths at six foot widths. She believed that wider paths were not really necessary and asked what the width was of the path along Orange Drive. Assistant Town Administrator Robert Rawls replied that the original width was as little as three feet in some areas. He indicated that the standard width for sidewalk cross-sections was five feet for pedestrian activities. Mr. Rawls advised that recreational paths along other sections of the Town's trails was six feet, noting that the Town had not opted for approving the State's standard of 14 feet. He indicated that if it was Council's desire to reduce the width of the cross-section, the recommendations be made at this time so that staff could rebid the construction.

Councilmember Paul made a motion denying items 8.5 and 8.7 for a narrower width of four feet. She asked if the resolution could be redone at five feet.

Vice-Mayor Weiner stated that he had no objection to the use of the two companies proposing to do the work, but he would prefer to see additional bids obtained from other companies. Mr. Rawls advised that the Town did not have a select bid list and that each item was advertised and each company had the same opportunity to provide a bid. He indicated that there was not a vast number of vendors that provided these types of services. Vice-Mayor Weiner stated that other firms built recreational trails and believed that additional

vendors could be obtained. Mr. Rawls responded that competition was always sought and that staff could poll other communities to obtain vendor lists in an effort to expand the Town's list.

Councilmember Cox suggested that the bid be reworded so as to ensure that six foot paths could be provided along school areas. She suggested that both six and five foot paths be incorporated into the bid documents. Mr. Rawls asked that Council not jeopardize the minimum five foot paths to ensure the safe passage of two trail users. Some discussion followed concerning the expected costs and the details of the proposed resolution.

Vice-Mayor Weiner seconded the motion to deny. Mayor Venis asked for clarification of the motion.

Councilmember Paul made a motion, seconded by Councilmember Cox, to rebid 8.5 at five feet as well and to approve 8.7. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - no; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 4-1)

8.8 Councilmember Clark indicated that in the bids that were submitted, the Town had accepted the lowest bid on each park except for item 16. She stated that the bid awarded for Potter Park was $1,911, while EDG's bid $1,794 who did not win the bid. Ms. Pierce-Kent explained that she would have to review the backup and asked if Council would consider approving the other bids and she would return with additional information concerning this specific bid for Council's consideration.

Councilmember Clark made a motion, seconded by Councilmember Paul, to approve with the exception of park site 10 until staff could verify how the bid was won. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

8.19 Councilmember Paul explained that the area had already been affected by a lot of digging and indicated that residents were concerned that the area be disturbed for as little time as possible and returned to its condition. She questioned if there was a bond requirement with the agreement. Paul Derelly, representing MediaOne, responded in the affirmative, stating that section 4.2 of the agreement provided for the issuance of a bond for faithful performance of construction, upgrade, rebuild, or other work. Councilmember Paul questioned how long the petitioner expected to be working in the area. Susan Bisno, also representing MediaOne, expected that the improvements would be completed within five days.

Mr. Kiar questioned if the work would be limited to an area of 200 feet. Ms. Bisno replied affirmatively.

Vice-Mayor Weiner asked if MediaOne was interested in connecting cable or internet services within the Town. Ms. Bisno replied negatively, explaining that MediaOne's immediate goal was to invest its resources in places where it already had franchises.

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

8.21 Councilmember Cox stated that the Site Plan Committee had suggested that a Roebelenii shrub be planted by the walkway; however, she did not believe that this was a good choice because it had thorns. She suggested that if a plant from the Roebelenii family was to be used, the petitioner needed to ensure that it was a species with no thorns.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve the staff's and the Planning and Zoning Board's recommendations. In a voice vote, all voted in favor. (Motion carried 5-0)

9. SITE PLAN

9.1 SP 4-2-00, Armadillo Square, southeast corner of SW 64 Avenue and Griffin Road (Griffin Road Corridor) (tabled from July 19, 2000) *Planning and Zoning Division recommended denial; Site Plan Committee's motion was to deny (tied 2 to 2)*

This item was tabled earlier in the meeting.

10. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held August 16, 2000)

10.1 **CHARTER AMENDMENT -** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR AMENDMENT OF SUBSECTION 7(A) OF THE TOWN CHARTER TO PROVIDE THAT COUNCILMEMBERS SHALL BE ELECTED FROM SINGLE MEMBER DISTRICTS EXCEPT FOR THE MAYOR/COUNCILMEMBER WHO SHALL BE ELECTED AT LARGE FROM ALL OF THE TOWN'S REGISTERED VOTERS; PROVIDING FOR APPROVED AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE TOWN; AND FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Clerk McDaniel read the ordinance by title. Mayor Venis advised that a public hearing would be held on August 16, 2000.

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

Tom Truex thanked the Town for proposing the changes and asked that Council approve this item. He believed that the residents should be allowed to vote on this issue. Mr. Truex believed that this change would provide residents with access to Councilmembers representing their specific districts. He felt that the proposed change would return the power to the ordinary neighbors in the community.

Scott Spages, 3144 Peachtree Lane, spoke in favor of the ordinance, indicating that the Town had grown to the point where it could withstand single member districts. He stated that it was cumbersome to run for office and, therefore, diminished the pool of residents that might otherwise run. Mr. Spages felt that it would be less expensive to run for office within a single district and that this would also curtail "big money" in politics.

Mayor Venis closed the public hearing.

Vice-Mayor Weiner stated that he had previously supported the single member districts to the extent that he had drafted the post-charter amendments. He indicated that he also supported term limits, as well as an administrative mayor position. Vice-Mayor Weiner stated that he wanted to propose a change to the amendment, if time would have permitted, to have three single member districts and two at large representatives. He believed that this

would provide additional protection to residents on controversial issues. Vice-Mayor Weiner stated that in the interest of seeing this proposal move along, he had no objections to placing this issue on the November ballot.

Councilmember Paul stated that she had no problem with the proposed ordinance, but felt that the amendment should be placed on the March ballot. She indicated that a Charter Review Board was necessary to discuss all the issues in the Charter that needed to be changed to review all the options available to the Town. Councilmember Paul added that it would be best to provide all the Charter changes and allow those changes to be in conjunction with the Town's election. She believed that the same kind of review was necessary for item 10.2.

Councilmember Cox felt that the Town had received sufficient information from the residents on this issue and that this issue could be placed on November's ballot. She believed if too many issues were placed on the ballot, residents might not take the time to review each issue to consider the type of effect the changes might mean.

Vice-Mayor Weiner stated that he did not believe that it would be less expensive to run a campaign for a single member district. He felt that it could be just as expensive, if not more so, to run a campaign for a single member district and asked that this issue not sway Council in its decision.

Mayor Venis stated that he also would like to see a Charter Review Board consider the issues at hand, stating that the proposed changes were very important. He indicated that there was no need to rush this through when residents could be provided the same opportunity in March. Mayor Venis stated that Pine Island Ridge would also be annexed into the Town in the near future which may change the voting complexion. Vice-Mayor Weiner stated that the Pine Island Ridge annexation committee had indicated that it was concerned with this issue. He said that the committee understood that there might be a perception that the Pine Island Ridge residents might "over run" the Town's election but they wanted the opportunity to sit on the Charter Review Board.

Councilmember Clark stated that she was under the impression that time constraints were an issue and a Charter Review Board could be appointed but the proposed amendments should move forward. She agreed with Councilmember Cox that a ballot could be overloaded.

Vice-Mayor Weiner stated that he did not want to be accused of rushing this item through, but understood that a larger turn out could be expected during the November vote. He agreed with Mayor Venis and Councilmember Paul on obtaining input from the residents.

Councilmember Cox stated that she was originally opposed to this issue when it was first considered two years ago; however, she believed that the Town had changed. She added that the proposed ordinance would fundamentally change the Town and single member districts needed to be looked at by the constituents.

Councilmember Clark suggested that the Town move forward with the single member district issue and also appoint a Charter Review Board. Councilmember Paul indicated that it might be more confusing to have a question on the single member district on the November ballot and then another question at a later date on a "twist" to single member districts. She added that she had been asking for several years for a Charter Review Board to provide input. Councilmember Paul said that these issues needed to be discussed as part of an election campaign.

Councilmember Paul made a motion to hold 10.1 until the March election and then convene a Charter Review Board.

Councilmember Clark requested clarification of the motion. Councilmember Paul stated that this issue should be voted on in March, but that it should be part of a package that the Charter Review Board presented to Council for consideration.

Mayor Venis passed the gavel and seconded the motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - no; Councilmember Cox - no; Councilmember Paul - yes. (Motion carried 3-2)

10.2 **CHARTER AMENDMENT -** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR AMENDMENT TO SUBSECTION 7(H) OF THE TOWN CHARTER REQUIRING NO LESS THAN FOUR AFFIRMATIVE VOTES OF MEMBERS OF THE TOWN COUNCIL FOR APPROVAL OF LAND USE PLAN AMENDMENTS; PROVIDING FOR APPROVED AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE TOWN; AND PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Clerk McDaniel read the ordinance by title. Mayor Venis advised that a public hearing would be held on August 16, 2000.

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

Councilmember Paul made a motion to include this ordinance in the March 2001 election as part of the package that would be presented to Council by the Charter Review Board.

Vice-Mayor Weiner asked for clarification of the motion. Councilmember Paul stated that it was her intent to have the Charter Review Board review both the single member district and the supermajority vote to be placed on the March ballot regardless of whether the Board agreed with it or not. Vice-Mayor Weiner asked for an amendment that would allow the Charter Review Board to make its recommendations to Council instead of dictating what issues should be placed on the ballot. He felt that Council should only recommend that this issue be submitted to the Charter Review Board for consideration to be placed on the March ballot.

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

11. PUBLIC HEARINGS

Ordinance - Second and Final Reading

11.1 **CODE AMENDMENT -** AN ORDINANCE OF THE TOWN OF DAVIE,
2000-30 FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-32, ENTITLED, "TABLE OF PERMITTED USES," SUBSECTION (B), "COMMERCIAL, OFFICE, AND BUSINESS DISTRICTS," TO PROHIBIT MINI WAREHOUSE/SELF STORAGE AS A PERMITTED USE WITHIN THE CC AND C-1 ZONING DISTRICT, AND SUBSECTION (C), "BUSINESS PARK AND INDUSTRIAL DISTRICTS," TO PROHIBIT MINI WAREHOUSE/SELF STORAGE AS A PERMITTED USE WITHIN THE BP DISTRICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Clerk McDaniel read the ordinance by title.

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

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

Other Public Hearing Matters

11.2 ZB (TXT) 6-1-00, Debbie Orshefsky, Greenberg Trauig/GL Homes of Florida (tabled from July 19, 2000) *Planning and Zoning Division recommended approval subject to the staff report; Planning and Zoning Board approved subject to the addendum as prepared by staff in addition, subject to the Council considering the fact raising the minimum lot size of 20,000 square feet to a number that would be more acceptable to the Council and the public and subject to accessibility to the public of more then 25% of the public area*

This item was discussed earlier in the meeting.

Items to be tabled or withdrawn

11.3 **PLANNING AND ZONING BOARD TABLED TO AUGUST 9, 2000; COUNCIL CAN TABLE TO AUGUST 16, 2000**

VACATION/ABANDONMENT - VA 6-1-00, Town of Davie, a portion of NW 33 Street from Davie Road Extension to the 7400 block (tabled from July 19, 2000)

This item was tabled earlier in the meeting.

11.4 **PLANNING AND ZONING BOARD TABLED TO AUGUST 9, 2000; COUNCIL CAN TABLE TO AUGUST 16, 2000**

VARIANCE - V 5-4-00, Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from July 19, 2000)

This item was tabled earlier in the meeting.

11.5 **PLANNING AND ZONING BOARD TABLED TO AUGUST 9, 2000; COUNCIL CAN TABLE TO AUGUST 16, 2000**

VARIANCE - V 6-3-00, Mobil Oil Company/Barclay Group No. 8, Ltd., 351 SW 136 Street (B-2)

This item was tabled earlier in the meeting.

12. APPOINTMENTS

12.1 Parks and Recreation Advisory Board (two exclusive appointments: Councilmembers Cox and Paul - one appointment has a one year term and the second appointment has a two year term; one exclusive appointment - Vice-Mayor Weiner: one year term) (members shall have a concern with or an interest in the park facilities and recreational needs of the Town's residents)

Vice-Mayor Weiner deferred his appointment. Councilmember Paul appointed Mark Soloman for one year and Deborah Clark for two years. Councilmember Cox appointed Debbie Apolinario for one year and Bill Edmondson for two years.

12.2 Joint Economic Development Committee (non-exclusive appointments of two Councilmembers; term September 2000 to August 2001)

Vice-Mayor Weiner volunteered to represent Council on this Committee. Councilmember Cox stated that she would also volunteer to represent Council if the Committee would consider meeting later in the day. She explained that her schedule would not permit her to attend the meetings as currently scheduled. Vice-Mayor Weiner stated that he would bring this information to the Committee for its consideration. After a brief discussion, Council deferred the second appointment. In a voice vote, all voted in favor of having Vice-Mayor Weiner represent Council. (Motion carried 5-0)

12.3 Broward League of Cities - Delegate and Alternate Delegate (term expires April 2001)

Councilmember Cox volunteered to serve as the delegate. Councilmember Clark nominated Vice-Mayor Weiner as the alternate which Vice-Mayor Weiner declined. Mayor Venis nominated Councilmember Paul to serve as an alternate. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul stated that she had received a letter from Mike Bender in which he was resigning from the Davie Water Advisory Board. She appointed Ron Phillips to fill the vacancy.

13. OLD BUSINESS

13.1 Class Specifications for Inside Legal Counsel and Support Staff

Vice-Mayor Weiner stated that he had originally brought up this issue and advised that he was unaware how this item would impact the budget; however, he did not believe that the Town could obtain a qualified attorney with a salary range of $68,000 to $91,000. Councilmember Clark agreed, stating that the Town wanted a qualified person. Mayor Venis stated that the Town was currently using a highly competent attorney who was doing a good job. Councilmember Clark agreed.

Vice-Mayor Weiner stated that he wished to readdress this issue and asked if Council could defer this item for six months to see how the budget was working for the upcoming year. Mayor Venis stated that he would like to see Mr. Kiar as the permanent Town Attorney. He indicated that Council could always readdress this issue at a later date. Vice-Mayor Weiner asked Mr. Kiar if he would stay at the rate of $125 an hour. Mr. Kiar replied affirmatively. Councilmember Paul asked Mr. Kiar if he was able to balance the amount of work being received by the Town with his private practice. Mr. Kiar replied affirmatively and indicated that he would be adding additional staff in the near future.

Vice-Mayor Weiner stated that he would still like to reconsider this issue, but felt that if this was Council's wish, a contract should be prepared. Mr. Kiar advised that he would prepare a contract for Council's recommendation.

13.2 Board Absenteeism

Councilmember Clark stated that there had been some discussion as to who could remove a member from a board and felt that if Council appointed these members, only Council should have the right to remove them. Mr. Kiar stated that he had provided a proposed ordinance; however, staff had objected to the contents of the ordinance. He indicated that he had then made changes and provided an additional ordinance for Council's consideration. Mr. Kiar explained that since there were so many boards, it would probably be in the Town's best interest to make a policy decision to have Council be responsible for removing members from service.

Vice-Mayor Weiner stated that the firefighters had a pension board that was enacted by State law and that the Town did not have the authority to remove the firefighters own appointed members from that Board. Mr. Kiar stated that it was his belief that the removal of a member should be made by the appointing agency. Vice-Mayor Weiner indicated that he was unsure that the Statutes governing the pension board provided for the removal of a member based on absenteeism. Mr. Kiar stated that he would research this issue prior to Council moving forward.

14. NEW BUSINESS

14.1 Interim Town Administrator Contract

Vice-Mayor Weiner asked Mr. Willi if he had any objections to Council holding off on a decision until after the budget was completed. Mr. Willi replied that he was in "employee limbo," stating that there was no employee class within the Town for a Town Administrator and that the position was held by contract. Mr. Willi explained that as such, there were some issues from his employment as the Building Official to his current position. He indicated that those issues included vacation days, pension payments, executive days, handling of his old position's vacation and sick days. Mr. Willi stated that these issues needed to be addressed as soon as possible and emphasized that the contract was fairly self-explanatory.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Vice-Mayor Weiner, yes; Mayor Venis, yes; Councilmember Paul, yes; Councilmember Clark, yes; and Councilmember Cox, no. (Motion carried 4-1)

14.2 Park City Estate Signs

Mr. Willi advised that the sign being proposed by Park City Estates did not fall within the Town's Code. Mayor Venis stated that Park City's representatives had claimed that the signage was promised by a previous administration and asked Mr. Rawls to review the records to determine if promises had been made. Councilmember Cox felt that this would be an inappropriate expenditure of Town funds and did not believe that the Town should be paying for entrance features for any development. She stated that if this issue was not part of the agreement, the Town should not entertain this as a precedent setting issue. Vice-Mayor Weiner and Councilmember Paul agreed.

14.3 Review of Text Amendments by Planning and Zoning Board

Mr. Kutney advised that the Planning and Zoning Board did not review text amendments; however, Florida Statutes provided that the Local Planning Agency should review the amendment. He stated that these amendments should be public hearings and if Council had no objections, staff would move forward with this new procedure.

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

14.4 Site Plan Policy (Councilmember Paul)

Councilmember Paul stated that she had four recommendations that she would like to have implemented as soon as the next meeting. She indicated that availability of trees as specified was currently difficult for smaller developments and felt that perhaps the requirements should be relaxed in relationship to what was available. Vice-Mayor Weiner asked if this issue could be addressed as a variance and having the developer show evidence of hardship. Mr. Kutney indicated that Zoning Technician Casey Lee monitored these problems and that recommendations for alternative plant material were provided when difficulties were met. Vice-Mayor Weiner indicated that staff should document when certain species were not available.

Councilmember Paul stated that deed restricting horses from developments should not be accepted within developments that provided one unit per acre. Vice-Mayor Weiner questioned if the Town could prohibit a property owner from voluntarily deed restricting their property. Councilmember Paul asked if this was acceptable, could a homeowners' association restrict against allowing horses. Vice-Mayor Weiner stated that in most cases, the Town had superior authority in restricting certain uses; however, he did not know if the Town could prohibit a homeowners' association from restricting property from a use that would otherwise be permissible by the Town.

Councilmember Paul questioned if it was possible to permit pedestrian lights within neighborhoods located on private roads, instead of the 25 foot concrete street lights. She felt that the Town should encourage this type of change. There were no objections.

Councilmember Paul stated that there were a number of private roads that created problems within certain communities. She indicated that most developments gave the roads back to the Town when the road needed to be maintained. Councilmember Paul indicated that perhaps the Town should consider not allowing developments to have private roads. Councilmember Cox stated that there had been a situation with MVP Properties, wherein the Town had stated that private roads would not be permitted. She indicated that the Town had ended up in litigation and lost.

15. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 12:10 p.m.

APPROVED _____ _____
Mayor / Councilmember

_____
Town Clerk