

**TOWN COUNCIL
REGULAR MEETING
NOVEMBER 1, 2000**

1. PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Interim Town Administrator Willi, 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.

Scott McCluskey, 2102 Nova Village Drive, discussed the history of past Town Administrators and commended Mr. Willi's proactive decision-making. He encouraged Council to act accordingly and to respond to insults in a more professional manner.

Gerry McClinton, 3021 Old Orchard Road, thanked Council for reinstating Mark Dornacker and recommended instituting a sports council with decision-making powers. Field usage was another concern of Mr. McClinton. He also recommended employee background checks and made reference to Rocky Johnson. Finally, Mr. McClinton was concerned with Mr. Willi's lack of experience and with the negative press from Mayor Venis' connection with Mr. Johnson.

Mr. Willi stated that the Town was working on background checks specifically for employees of the Town who dealt with children.

Doug Notman, 3051 Old Orchard Road, commented that although the charges against Mr. Johnson may not rise to the level of criminal misconduct, he and other parents found it highly inappropriate and offensive regardless of the outcome of the criminal investigation, particularly because they were around children. Mr. Notman stated that he would like to see a zero tolerance policy where children were concerned. He asked Mayor Venis for an apology in his role for hiring Mr. Johnson and not seeing to it that swift action was taken to remove him from around the children. Mr. Notman also asked about responses to the written questions he had submitted on October 30th. Mayor Venis advised that a response would be provided by Monday.

Bruce Novack, 4262 SW 78 Drive, expressed his hope that the sports programs would continue to be fun and positive for those involved. He thought that with the "situation", the personnel involved with the Town's youths should be "extracted" from the environment until the situation was corrected and if needed, the Police Department should do an investigation. Mr. Novack questioned Mr. Willi if he had the power to have the "parties who investigate home associations after they're built, to seal them." He indicated that "his" was never sealed and there was a flooding problem. Mr. Willi asked that Mr. Novack contact him and advised that developments usually did not get certificate of occupancy, only the structure. He indicated that the drainage requirements were inspected by Broward County.

Terry Santini, 4001 SW 108 Terrace, stated that Council had embarrassed the entire Town and praised the newspapers for educating the public. She also commented on the Mayor's actions, excessive billings of Mr. Kiar for attorney's fees, and Vice-Mayor Weiner being a union attorney and not serving the public but his own interests. Ms. Santini asked for the resignations of Mayor Venis and Vice-Mayor Weiner.

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Dean Alexander, 13820 SW 16 Street, spoke in support of Mr. Willi and discussed the difficult position he was put into, adding that Mr. Willi had been both helpful and responsive. Mr. Alexander was also concerned with the behavior of a small group of residents who seemed to be trying to sabotage Council and challenged Ms. Edmondson to run for a council seat in the upcoming election. Finally, Mr. Alexander felt the Sun Sentinel article, "Gun Slingers Stay Alive by Dodging Bullets" was inflammatory and the reporter should be ashamed of himself.

Dave Pollack advised that he spent 30-40 hours per week working in the sports program and was glad to see Mr. Dornacker reinstated. He stated that he and Mr. McClinton felt that if they did not push things to the limit, no one would fix what was going on with the sports program.

Jim Hurst, 222 SE 1 Street, commented on the positive forward movement of management in the Fire Department and other areas of the Town. He continued by praising Mr. Willi's efforts and complimenting Councilmember Cox on what she had done for the Town in the past, but was disheartened by a comment she had made at a previous Council meeting.

Tom Korynta, 1541 SW 119 Terrace, advised that the Old Bridge Run homeowners association was against the planned change. Mayor Venis advised that this item was on the agenda and the item could not be discussed at this time.

Dr. Valerie Pellegrini, 5361 SW 57 Street, asked for an inquiry into the vilification of the Mayor in the press and that the allegations should be treated as such.

Norm Blanco, 2080 SW 72 Avenue, spoke in support of Mayor Venis and stated that other Councilmembers also had been supportive and responsive. Mr. Blanco was concerned with Councilmember Cox's remarks at a previous meeting.

Rose Anderson, 4950 SW 111 Terrace, referred to correspondence with Mr. Bergeron and wanted to know the contents. Mr. Willi read Mr. Bergeron's response to the petition to change the name of the Bergeron Rodeo Grounds which indicated that he and his family felt honored when the 1995 Council unanimously voted to name the rodeo grounds "Bergeron Rodeo Grounds." Also, Mr. Bergeron's letter indicated that he and other residents had worked diligently and would continue to do so to preserve the rodeo grounds. He hoped that Council would preserve the integrity of the resolution and that the rodeo grounds would continue to bear his family's name.

Ms. Anderson stated that the naming of the arena was a conditional "gift" agreement.

Ms. Anderson also asked that Council keep "Cindy's" grandson, who was in an automobile accident and had been in a coma for 11 days, in their prayers.

Joy Yoder, 12610 SW 13 Manor, was concerned about name calling and offensive comments made by various residents. She was also concerned with the media's involvement and negative press the Town had been getting. The complaints should not be made until the facts were proven.

Ruth Dreyer, 11555 SW 21 Court, thanked Recreation Supervisor Bette Starke for her assistance in coordinating the International Ballet Company Outreach Program at the Eastside Community Center and at the Hope Outreach at Silver Oaks. Also, Ms. Dreyer commended Councilmember Clark for her involvement.

Arthur Joseph, 13700 SW 18 Court, stated that he and his wife had worked very hard for Councilmember Clark's campaign and praised her commitment to the Town. Mr. Joseph complimented Mayor Venis, Vice-Mayor Weiner, and Councilmember Paul for what they

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had done. Mr. Joseph thanked Councilmember Paul and Mr. Kiar for their work on the citrus canker injunction.

J.B. Schultz commented on the newspaper coverage and the penalties that a newspaper writer faced by giving false information. He asked if Mr. Kiar could contact the Associate Attorney General to initiate proceedings to have Mayor Venis, Vice-Mayor Weiner, Mr. Johnson, and Mr. Dornacker fired until they could come up with a detailed explanation regarding the \$250,000 in question. Mr. Schultz felt that this action would reduce the controversy.

Sandra Switzer, 13510 SW 29 Street, referred to Councilmember Cox's comment at the last meeting regarding the ordering of a second EMS truck at the same time the "first and only authorized" truck was ordered. She stated that Councilmember Cox's point was that the budget process had recently been completed and if Council had wanted a second unit included in the budget, it should have voted it into the budget. Ms. Switzer indicated that Budget and Finance Director Christopher Wallace had reported that there was no money available for the purchase of the second unit. She expressed her concern with the negative press coverage that the Town had been getting.

Della Alonso, 2670 South Flamingo Road, was also concerned with the negative press coverage the Town had been getting.

Gary Spence, 501 Barbary Lane, spoke in support of Mayor Venis, Council, and Mr. Willi.

Mike Bender, 14800 SW 31 Court, was concerned about the press coverage by Mr. Allman from the Sun Sentinel over the Rocky Johnson issue and the lack thereof regarding a racial slur made by one Councilmember to another. Mr. Bender requested that Councilmember Cox offer her resignation.

Hayward Nichols, First Vice-President of the NAACP, discussed the racial slur made by Councilmember Cox. He encouraged the community to use their vote in November and March to do what was right for the community and the children.

Elliot Safdie, 15060 Durham Lane, was concerned with the road at Ivanhoe Community Center and the possible proposal for construction of 38 townhomes on that property. The road would be the only access for this development and it was the only suitable parking area for the Ivanhoe Community Center. Mr. Safdie asked if Council could inquire as to whether that road had already been dedicated. Mayor Venis stated that there was a meeting scheduled for November 14th and the entire Council would be in attendance.

Lisa Edmondson, 4311 SW 93 Avenue, was concerned with the media coverage regarding statements made by Councilmember Cox and added that Councilmember Clark's comments and actions were equally grievous. Ms. Edmondson was also concerned with the Rocky Johnson matter and Mayor Venis' connection to Mr. Johnson. She stated that Council should spend its time with issues that affect the community rather than with personal issues, which bring negative press.

Randolph Ruerro, 6331 SW 41 Court, praised Councilmember Clark for her involvement in the community and the improvements she had supported. He stated that personal feelings and statements should be set aside so that Council could move forth with the Town's business.

Bruce McGee, 14181 SW 15 Court, was concerned with Councilmember Cox's statements at a previous meeting and added that he supported the Town's zero tolerance

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policy. He praised Mr. Willi's efforts and felt that Mr. Allman's articles in the Sun Sentinel regarding Mr. Johnson and his connection to Mayor Venis were inappropriate and irresponsible.

Edward Martin, 6331 SW 41 Court, praised Councilmember Clark for bringing representation to District 1.

Linda Greck, 3121 SW 116 Avenue, praised Councilmember Cox for being accessible and the many improvements she had been involved with during her tenure. Ms. Greck was concerned with the negative media coverage and personal conflicts amongst Council and hoped that Council could spend more time with the community's concerns. She was also concerned that Councilmember Cox had continuously been under attack when she stood her ground and stated her opinion. Ms. Greck felt that Councilmember Cox had always been open and clear on the issues she supported and had also been considerate of opposing points of view.

Richard Clark, 4141 SW 56 Avenue, was concerned with recent and past comments about people of color made by Councilmember Cox and stated that they were unforgivable.

Isaiah Clark was concerned about Councilmember Cox's recent and past comments about people of color and offered that if Councilmember Cox did not know any better than to make racial slurs, she could not know how to govern a Town. He asked Council not to take the decisions Councilmember Cox made seriously and asked her to step down.

Larry Davis, 10951 SW 42 Place, felt racism should not be tolerated, especially in a public forum, but spoke on behalf of all the tremendous dedicated public service of Councilmember Cox. He advised residents to look at the big picture and to make their opinions known with their vote, not with hatred. Mr. Davis referred to the investigation regarding Mr. Johnson and felt that if the facts showed that the allegations were true, sanctions and answers should be sought.

Michael Davenport, 14041 SW 22 Place, stated that this time should be spent devoted to Town business. He felt that Councilmember Clark had baited Councilmember Cox into a heated response and spoke about the importance of Councilmember Clark remembering that she represented all kinds of people. Mr. Davenport mentioned that Councilmember Clark was previously not a registered voter and seemed to know only about the Police Athletic League issues while neglecting other matters. He spoke about the various areas where Councilmember Cox had served the Town.

Councilmember Clark addressed Council and the residents stating that the comments had been most difficult and asked how she had become responsible when she was the one discriminated against. She felt that the speakers had twisted the incident to show her as a bigot, which she was not. Councilmember Clark challenged anyone to review past tapes to find evidence of her disrespecting Councilmember Cox. Councilmember Clark spoke about offensive e-mails she had received and strongly urged Council to focus on its job and not let personal feelings interfere.

The meeting recessed at 8:49 p.m. and reconvened at 9:05 p.m.

Councilmember Cox spoke about her comments at the last meeting and was dismayed by the kinds of personal exchanges that had resulted. She expressed regret for having said what she did and added that there was no excuse, indicating that it came out as a result of anger. Councilmember Cox described a history of Councilmember Clark's disrespectful

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treatment of her by speaking of her in the third person and added that she respected Councilmember Clark. She spoke well of Councilmember Clark's accomplishments on behalf of eastside residents. Councilmember Cox described the insult of speaking about someone in the third person in their presence and felt that she needed to stand up for herself. She admitted that her words were poorly chosen and advised that she used the term "hood" to refer to her own neighborhood. Councilmember Cox asked that everyone strive to be more tolerant and to stop the personal attacks. She apologized to all who were offended and promised to do better in the future. Councilmember Cox hoped both sides could get past this issue and get on with Town business.

Councilmember Clark asked for a personal apology. Councilmember Cox indicated that disrespect was shown to her as well and she would be willing to speak to her privately to clear this up. After further discussion, Councilmember Clark apologized for baiting Councilmember Cox. Councilmember Cox apologized for what she said.

4. PRESENTATIONS

4.1 Update on Transit

This item was deferred to the November 15th meeting.

4.2 Citrus Canker Eradication Program - Councilmember Paul

Councilmember Paul discussed the Town meeting held on October 19th and the vote on October 26 to join in a lawsuit to stop the cutting until further evaluation. There was a temporary injunction as a result and the State decided on no more cutting until November 8th. Councilmember Paul advised that the Broward Legislative Delegation would meet on November 2nd to discuss this issue. Councilmember Paul indicated that the science behind the eradication was flawed and there had been violations of constitutional rights. She described an experimental treatment being researched which would protect the healthy trees. Councilmember Paul advised that the Department of Agriculture had been reluctant to endorse this spray. She recommended that the Town become a test site for this product, indicating that there was nothing to lose. Councilmember Paul added that safety was very important and research needed to be carefully considered. She spoke about State funds which would be allocated to restore and replant trees and advised residents that their voice counted. Councilmember Paul thanked Mr. Kiar for his involvement in this issue.

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

This item was deferred to the November 15th meeting.

Item 10.5 was taken out of order.

10.5 Kevin Ratterie, representing the petitioner, advised that the density could not exceed one unit per gross acre. He spoke about other provisions of this district indicating that all lots must be net dry, water was outside the lot area, open space requirements would reduce with lot sizes approaching 35,000 square feet. Mr. Ratterie added that 25% would be dedicated to the Town, buffer requirements were 2 1/2 times the present Code, a walled in community was not permitted, deed restrictions were not permitted for horses, and 35,000 square foot lots were required on the perimeter including vacant lots. He spoke about the rumored widening Hiatus Road, stating that berms would be located where guardrails were

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now. Mr. Ratterie added that this district allowed for abandoning SW 36th Street, which would ensure an equestrian trail with buffering and berming. He spoke about the average sales price of \$600,000 which would generate \$1.6 million in tax revenue. Mr. Ratterie advised that there would be 401 lots on 454 acres.

Mayor Venis asked if anyone wished to speak for or against this item.

Bob Jones, President of Mystique Homeowner's Association, supported the ordinance in that the requirements for the adjacent zones would enhance the surrounding property and the Town.

Sherry Joustroup, 10312 North Vista Circle, spoke in support of the ordinance.

Kurt Zimmerman, 13901 Carlton Drive, spoke in support because the ordinance ensured a rural community that was planned and structured with a focus on bringing the community together.

Tom Corintho, President of Olde Bridge Run Homeowner's Association, was opposed and asked that Council adhere to one unit per acre.

Della Alonso, 2670 South Flamingo Road, asked that Council defeat the ordinance, expressing concern that it would change the Town and set a precedent. She was disturbed that this ordinance came from the developer and not the residents.

Joy Yoder, 12610 SW 13 Avenue, opposed as a development like this separates itself from the rest of the Town not offering a sense of community. She asked who would be financially responsible for the creation of parks in the 25% open space area.

Rena Pardo, 2670 South Flamingo Road, agreed with Ms. Yoder, but added that the parks would not be available to the rest of the Town. She indicated that this type of development kept residents in their own community rather than part of the Town.

Lance Altschuler, 11640 SW 36 Court, was opposed as the Town was already crowded.

William File advised that he had previously lived in the Town in an unplanned community but was now returning to a GL Homes development and the Town's open space value. He supported the ordinance as it would help keep the open atmosphere and provide a good revenue base.

Larry Davis, 10951 SW 42 Place, was opposed as he felt that it was not in the best interest of the Town. He indicated that the ordinance was not created by the Town, but by the developer and reminded Council about the loopholes that had been enumerated in past meetings, which had not been corrected. Mr. Davis stated that density was more important to consider than an increased tax base. He spoke about overcrowding in schools and asked Council to slow the judgment.

Dan Barr, 13323 SW 40 Street, spoke in opposition as public access to their parks could be limited and that improvements to Hiatus Road would result in widening the road. He reminded Council that the Planning and Zoning Board denied and felt there was no need for new zoning.

Linda Altschuler, 11640 SW 37 Court, stated that promises were made by GL Homes to Majestic Groves and had not been fulfilled. She spoke about verbal loopholes, drainage issues, and overcrowded schools and asked Council to deny the ordinance.

George Paraskas, 3420 SW 117 Avenue, discussed the development of the Town over the years and recommended that GL Homes build according to present the Code. He stated that 40 homes represented greed on the part of the builder. Mr. Paraskas suggested that the Town purchase the land and cooperate with the South Florida Water Management District to create a lake for drainage. He hoped Council would listen to the residents.

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Barbara Paraskas, 3420 SW 114 Avenue, spoke about GL Homes' previous guarantees to not build more than one unit per acre which she felt were misleading. She asked that the supporters consider how this would affect the entire Town and she encouraged Council to consider issues other than just the tax base.

Ruth Dreyer, 11555 SW 21 Court, opposed the development in that it was not compatible with the rural and semi-rural character of the Hiatus Road area. She continued by describing the demographics of the Hiatus Road area, the current development, the requirements of the Town's Charter and Code. Ms. Dreyer believed that the R-1E zoning would create development inconsistent with the Hiatus Road area's established character. She added that the Town and the Central Broward Water Management District should correct drainage inadequacies prior to considering any additional development in the area. Ms. Dreyer was disappointed that the Planning and Zoning Board's minutes had not been available to Council.

Lois Meyer, 2700 SW 116 Avenue, discussed the impact on traffic that the additional homes would cause and stated that the overdevelopment must stop. She asked that the Town stay as it was and that Council reject the R-1E development.

Jason Curtis, 3801 Flamingo Road, expressed concern regarding overcrowding of Davie's schools and taxes. He stated that if someone wanted to live in a suburban environment, they needed to go elsewhere.

Jeff Kaufman, 13221 SW 39 Street, spoke in favor of the ordinance.

Liz Moore described problems of overcrowding in the schools.

Pete Giraud, 11965 SW 15 Court, spoke in opposition to the R-1E zoning due to overcrowded schools, traffic, and flooding.

John Tweeton, 11950 SW 18 Court, was opposed to the zoning change due to flooding problems.

Margie Nester, 5601 SW 67 Terrace, believed that the R-1E zoning would offer something beneficial to everyone, increasing revenue without increasing density and allowing spacious lots, great amenities and a feeling of country living. She asked Council to approve the amendment.

Linda Chambers, 3100 Old Orchard Road, wanted the choice of living in a community with less land and having the security of a gated community. She spoke in favor of the amendment.

Mike Bender, 14800 SW 31 Court, spoke against developers, urging that if the ordinance was considered, it needed to have no loopholes.

Barry Chadwick discussed building requirements, Hiatus Road development, and schools.

Gail Stage, 3398 SW 117 Avenue, spoke against further development, but stated that it could not be stopped. She pointed out how GL Homes had listened to the residents when drafting the ordinance, indicating she was in favor of the ordinance.

Frank Napoli moved to Davie because it was quiet and he thought the homes should remain at 35,000 square foot minimums.

Steve Davis spoke in favor of the ordinance and advised that one reason he was moving to Long Lake was due to the size of the lots which was more than enough area for privacy.

Sandra Switzer, 13510 SW 29 Street, questioned Councilmember Clark why she had brought up this issue again.

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Rafael Valdes, 1001 Cumberland Terrace, indicated that he was concerned with the Town's direction and he supported the ordinance.

Tom Truex, 4740 SW 42 Avenue, felt that the ordinance was full of loopholes. He discussed the perimeter homes, developer promises, considering alternatives, obtaining different perspectives, and to not just listen to one developer.

Linda Greck, 3121 SW 116 Avenue, spoke in support and questioned previous comments regarding drainage and density. She expressed disappointment about access to Robbins Lodge from the Majestic Groves area. Ms. Greck wished there was some way everyone could have some degree of satisfaction in the decision on the ordinance.

Anthony Mish, 2149 Nova Village Drive, supported the ordinance which he believed would benefit the Town.

Alfred Hamilton, 14330 SW 21 Street, was in favor of the ordinance. He thought that Hiatus Road needed to be improved to provide for a safer corridor and 20,000 square foot lots were satisfactory. Mr. Hamilton believed planned developments enhanced the Town and property values, and it was important to increase the Town's tax base. He asked that Council consider a dedicated landscape service and city sewer and water in Oak Hill.

Jim Vaughn, 10341 North Lake Vista Circle, was in favor of the new zoning district.

Dan Pignato, 6920 SW 56 Court, mentioned the benefit of income from new residents and felt the ordinance was in the best interest of the Town.

Joyce Stewart, 10850 SW 25 Street, spoke in favor of the ordinance and remarked that the land would be developed regardless of whether the ordinance was passed or not. She indicated that the ordinance would allow for developed equestrian trails and bicycle paths.

Adeline Bach stated that she was in favor of one home per acre.

Gary McIntosh, 1720 SW 116 Avenue, questioned why the developer had not applied for a variance.

Alan Sennares, 2416 SW 105 Terrace, was in favor of the ordinance.

Joe Cosner, 4451 SW 77 Avenue, stated that a lot of time was spent developing a Land Use Plan for the Town and a decision was made to have one unit per acre in that area. He discussed the water drainage problems and stated that if Council was going to pass the ordinance, it should obtain studies and hire planners.

Ari Gelfan, speaking against the ordinance, had concerns about traffic, schools, and flooding. He suggested that if someone did not want to live in Davie with the tradition that the Town had, they should live somewhere else.

Richard Edelman, 1900 SW 116 Avenue, talked about flooding and was in opposition to the ordinance.

Michael Juskowitz, 3242 Ridge Trace, discussed living in Davie and the open spaces.

Larry Murphy, 3600 SW 117 Avenue, read parts of an editorial in the Miami Herald regarding development in Weston. He maintained that the issue should be slowed down, thought through, and done properly.

Daniel Aaronson, 11003 SW 37 Manor, debated the issue of smaller properties being available in the Town to people who choose to live in Davie, but could not afford or want larger properties. He stated that the ordinance was a tool that could be used by Council to allow more flexibility to develop the Town the way it wanted. Mr. Aaronson spoke in favor of the ordinance.

Mayor Venis closed the public hearing.

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Mr. Ratterie submitted letters sent to Majestic Groves, Mystique, and surrounding areas along with the ordinance and site plan; as well as the DRR report from the Broward County School Board. He further discussed the perimeter language, a "critter audit," private parks that the Town would not have to pay towards, and public park maintenance. Mr. Ratterie pointed out that there was no equestrian trail along the west side of Hiatus Road, but the GL Homes plan provided an accessible horse trail. He added that Hiatus Road safety improvements included berming, drainage and creating 12 foot lanes instead of the current 10 foot lanes. Mr. Ratterie offered to address any loopholes.

Vice-Mayor Weiner stated that he wanted to see quality development along Nob Hill Road and he was not in favor of building the R-1E on the west side of Hiatus Road. He indicated that he favored 150 acres but there was not many parcels that would meet this ordinance. Vice-Mayor Weiner advised that the only parcel that met the requirement east of Hiatus Road was GL Homes and he would like to accommodate them; however, he was concerned with spot or contract zoning. He indicated that he had met with the developer on a number of occasions and had requested 150 acres, open space, and 35,000 square foot lots along the peripheral. Vice-Mayor Weiner stated that he was in favor of the ordinance if it did not impact the residents' way of life by installing an aesthetic buffer along Hiatus Road. He complimented GL Homes and the quality of the homes, hoping it could build the development at one unit per acre. He indicated that he was opposed to the ordinance.

Councilmember Clark advised that she had brought up the ordinance because of the overwhelming response she had received. She indicated that she wanted to revisit the ordinance to show the citizens that their views were important and stated that she was in support of the ordinance.

Councilmember Paul maintained that there was a philosophical difference of opinion on this issue and that GL Homes could do a terrific job on the property without changing the zoning. She would like to see a greater variety of home styles, adding that what was marketed was what was sold. Councilmember Paul confirmed her opposition to the ordinance.

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

The meeting recessed at 12:04 a.m. and reconvened at 12:10 a.m.

12.1 Vice-Mayor Weiner made a motion to deny the request to reschedule the December 6th meeting to December 5th. He explained that the Town's meetings were held on Wednesdays and the residents would not know if it was changed to Tuesday. Councilmember Paul indicated that the meeting has always been changed. The motion died for lack of a second.

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

Mayor Venis announced that item 8.22 needed to be tabled to December 5, 2000.

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

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Mayor Venis announced that item 10.7 needed to be tabled to November 15, 2000.

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

5. MAYOR/COUNCILMEMBER'S COMMENTS

No comments were made.

6. TOWN ADMINISTRATOR'S COMMENTS

No comments were made.

7. TOWN ATTORNEY'S COMMENTS

No comments were made.

8. CONSENT AGENDA

Minutes

8.1 August 16, 2000 - Regular Meeting

8.2 September 6, 2000 - Regular Meeting

Occupational License (Home)

8.3 juliecialini.com, 4032 East Ridgeview Drive (tabled from October 18, 2000)

Occupational Licenses (Seasonal Sales - Waiver of Occupational License Fees)

8.4 Davie Merchants & Industrial Association, 4420 SW 64 Avenue (location: 2701-2751 North University Drive; November 27 - December 24, 2000)

8.5 Davie Merchants & Industrial Association, 4420 SW 64 Avenue (location: 6099 Stirling Road; November 27 - December 24, 2000)

8.6 The Police Athletic League of Davie, Inc., 1230 South Nob Hill Road (location: 15885 Pointe West Drive; November 27 - December 24, 2000)

8.7 The Police Athletic League of Davie, Inc., 1230 South Nob Hill Road (location: 2300 South University Drive; November 27 - December 24, 2000)

Resolutions

8.8 **PLEDGE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2000-251 AUTHORIZING THE MAYOR TO EXECUTE THE PLEDGE SPONSORED BY
THE COMMUNITIES FOR SAFER GUNS COALITION OF THE U.S.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

8.9 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2000-252 THE BIDS FOR AUTOMOBILES AND TRUCKS. (lowest bidder for each
geographic section of the State; \$1,373,494)

8.10 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2000-253 THE BIDS FOR ATHLETIC EQUIPMENT. (lowest bidder for each item;
\$75,000/year)

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- 8.11 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2000-254 THE BID FOR CONSTRUCTION OF THE MULTIPURPOSE FACILITY AT PINE ISLAND PARK. (Dooley and Mack Constructors, Inc.; \$2,299,170)
- 8.12 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2000-255 AUTHORIZING THE EXPENDITURE NOT TO EXCEED \$12,000 FROM THE LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF TWO DOGS FOR THE DAVIE POLICE DEPARTMENT K-9 UNIT. (Orchard Knoll Kennels, Inc.)
- 8.13 **COST OF LIVING ADJUSTMENT** - A RESOLUTION OF THE TOWN OF
R-2000-256 DAVIE, FLORIDA, APPROVING A COST OF LIVING ADJUSTMENT FOR NON-REPRESENTED AND NON-CLASSIFIED EMPLOYEES. (2.5%)
- 8.14 **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2000-257 AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER WITH DOUG AMOS CONSTRUCTION, INC. FOR THE CONSTRUCTION OF A TOT LOT AT SHENANDOAH PARK AND FOR THE DESIGN AND CONSTRUCTION OF A STEP DOWN TRANSFORMER TO PROVIDE ELECTRICAL POWER TO THE NEW ACTIVITY BUILDING AT SHENANDOAH PARK. (net increase of \$14,100)
- 8.15 **SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2000-258 SUPPORTING VARIOUS NOT-FOR-PROFIT AGENCIES WHICH PROVIDE SERVICES FOR THE RESIDENTS IN OUR COMMUNITY. (\$142,671)
- 8.16 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2000-259 AUTHORIZING THE MAYOR TO EXECUTE A THREE-YEAR CONTRACT TO PROVIDE HIGH-SPEED INTERNET SERVICE ACCESS VIA A DEDICATED, CLEAR-CHANNEL, T-1 CIRCUIT PROVIDING BY SPRINT. (\$11,000/annually)
- 8.17 **SETTLEMENT AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2000-260 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT IN THE CASE STYLED IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA, CASE NUMBER 93-12985 (02), RALPH SESSA, ET AL, VS. TOWN OF DAVIE, FLORIDA, A MUNICIPAL CORPORATION, ETC., INVOLVING A SPECIAL ASSESSMENT AND PERMITTING THE PARTIES TO PROCEED TO A BINDING AND PARTIAL HEARING TO DETERMINE WHETHER THE SUBJECT PROPERTIES were SUBJECT TO THE SPECIAL ASSESSMENT AND WHETHER THE SUBJECT PROPERTIES SPECIALLY BENEFITED FROM THE SPECIAL ASSESSMENT AND PROVIDING AN EFFECTIVE DATE.

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- 8.18 R-2000-261 SETTLEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING A SETTLEMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND ROHO FLAMINGO, LTD., INVOLVING PROPERTY LOCATED AT THE NORTHWEST CORNER OF ORANGE DRIVE AND FLAMINGO ROAD; PROVIDING FOR AN EFFECTIVE DATE.**
- 8.19 R-2000-262 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE NON-VEHICULAR ACCESS LINE OF THE "LAKESIDE VILLAS APARTMENTS II PLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 10-1-00, 4190 SW 61 Avenue)**
- 8.20 R-2000-263 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE ACCESS OPENINGS OF THE "ICE PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 10-2-00, 12451 Orange Drive)**
- 8.21 SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT TITLED, "SOUTH POST PLAT", AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 1-2-00, 4200 SW 154 Avenue)**

Site Plan

- 8.22 SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor) (tabled from October 18, 2000) Planning and Zoning Division recommended denial; Site Plan Committee recommended denial**

Councilmember Clark asked that item 8.13 be removed from the Consent Agenda. Vice-Mayor Weiner asked that item 8.14 be removed. Councilmember Paul asked that items 8.2, 8.3, 8.15, 8.18, and 8.21 be removed.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve the Consent Agenda without items 8.2, 8.3, 8.13, 8.14, 8.15, 8.18, and 8.21. In a voice vote, all voted in favor. (Motion carried 5-0)

8.2 Councilmember Paul requested a change on page 14 from SW 39th Court to SW 36th Court.

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

8.3 Councilmember Paul made a motion to deny which died for lack of a second.

Mr. Kiar informed Council that if the applicant met the phone and mail use only requirement, the occupational license could not be denied.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve subject to confirmation from Code Enforcement that the applicant was not selling or storing items. In a voice vote, all voted in favor with Councilmember Paul dissenting. (Motion carried 4-1)

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8.13 Vice-Mayor Weiner indicated that the Town was in the process of negotiating with the Federation of Public Employees White and Blue Collar units and indicated that he would like to table this item to the next meeting. He advised that he had asked for information so that the Town could do "comparables" on the non-represented employees in terms of the disparity of the wages.

Vice-Mayor Weiner made a motion to table to November 15, 2000. Mr. Willi advised that this increase was typically done at the beginning of every budget year and he did not think adding a 2.5% Cost of Living Adjustment to the non-represented employees would change the future comparison for the union. The motion died for lack of a second.

Councilmember Cox made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor with Vice-Mayor Weiner dissenting (Motion carried 4-1)

8.14 Mr. Willi stated that when original plans were submitted, the electrical capacity was inadequate to service the new building and the permit was denied. He advised that Doug Amos had submitted a letter to work on the project at a later date.

Capital Projects/Public Works Manager Bruce Bernard indicated that the electrical plans were redesigned and advised of an additional tot lot. He stated that the money was in the budget but since this was not part of the original bid, this brought a final change order to the project.

Vice-Mayor Weiner asked why the Town was moving forward with the work when the change order had not been approved. Mr. Bernard responded that when the amount was within the parameters of the budget, this was the usual procedure rather than stopping the builder.

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

8.15 Councilmember Paul spoke about the worthiness of the various organizations, but was concerned about the availability of funds. Budget and Finance Director Wallace stated that the money was not in the budget, but contingency funds could be used.

Mayor Venis asked if Broward Community College's program was continuing with Mr. Wallace responding that he was not sure. Vice-Mayor Weiner proposed that the donations to the College and the Miss America Pageant be removed which would result in a total of \$119,200.

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

8.18 Mr. Kiar explained the resolution.

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 Paul expressed concern that the Town was moving forward without seeing the conceptual plan. She understood that there was also land in the plan for a middle school. Development Services Director Mark Kutney indicated that negotiations for the school site were still being discussed.

Gladys Miller, representing the petitioner, showed Council the proposed plan and agreed that a decision on the school had not been made. Councilmember Paul spoke about

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the proposed horse trail on this property indicating that residents of Imagination Farms had had concerns. She recommended making the trail wider which would allow for screening trees. Ms. Miller explained the proposed wetlands landscape buffer which would be 100 feet wide.

Councilmember Cox suggested a bicycle path on 154th Avenue. Councilmember Paul asked for the trail to be wider, for a total of 30 feet. Ms. Miller advised that she was not in a position to decide this. Vice-Mayor Weiner suggested that there was no urgency and this resolution could wait until the next meeting to get the answer.

Mike Bender cautioned Council that an asphalt trail would attract ATV traffic behind the homes.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to table until November 15, 2000. In a voice vote, all voted in favor. (Motion carried 5-0)

9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held November 15, 2000)

9.1 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY LYING EAST OF, AND ADJACENT TO TRACT 4 OF THE "A.J. BENDLE SUBDIVISION" OF SECTION 3, TOWNSHIP 51 SOUTH, RANGE 41 EAST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 8-1-00, Florida Power & Light, a portion of Davie Road Extension, between Stirling Road and NW 38 Street)

Mayor Venis advised that a public hearing would be held on November 15, 2000. Acting Town Clerk McDaniel read the ordinance by title.

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

Joseph Pollack, representing the petitioner, was present.

Mayor Venis closed the public hearing.

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

9.2 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR POINTE WEST DRIVE; UTILITY EASEMENTS ADJACENT TO POINTE WEST DRIVE; TOGETHER WITH A LAKE BANK AND LAKE MAINTENANCE EASEMENTS; WITHIN THE "ICW NORTH AND SOUTH" PLATS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 8-3-00, 15700 Pointe West Drive)

Mayor Venis advised that a public hearing would be held on November 15, 2000. 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 comments were closed.

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Councilmember Paul stated that this would be the third dealership in a small area and questioned if customers would test-drive cars in the neighborhood. Bill Laystrom, representing the petitioner, indicated that the site plan was moving through and this matter would be considered.

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

10. PUBLIC HEARINGS

Ordinance - Second and Final Reading

2000-35 10.1 **AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REVISING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS BY AMENDING RULE I, SECTION 10, ENTITLED "POLICY OF EQUAL EMPLOYMENT OPPORTUNITY"; PROVIDING FOR SEVERABILITY; 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.

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

Vacations/Abandonments

10.2 VA 8-2-00, Pillar Consultants/Dixie Southland Corp., a portion of Oakes Road, between State Road 7 and SW 46 Avenue, extending from State Road 7 approximately 183 feet west (to vacate a portion of right-of-way known as Oakes Road, approximately 183 feet in length) (tabled from October 18, 2000) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mr. Kutney advised that this item had been tabled from the previous meeting to obtain a legal opinion. Mr. Kiar opined that there was a conflict with Pillar as it provided engineering services for the Town and was representing the petitioner. He suggested that the applicant be required to obtain a letter of justification from another engineer. Mr. Kiar indicated that there was a potential for conflict no matter how harmless the particular situation looked.

Jay Evans, representing Pillar Consultants, stated that all services had been suspended until the matter was resolved. Therefore, there was no conflict with this item and he asked Council to move forward rather than tabling the item.

Mayor Venis stated that if Pillar was not doing inspections or reviewing plans for petitions that were being brought before Council, he felt there should be no conflict. Mr. Willi stated that Florida Statutes precluded Pillar from designing and doing inspections on their own work.

Councilmember Cox felt that the potential for legal ramifications was there and the issue of compensation from both parties were serious. Mr. Evans indicated that payment was

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not being made for the same work. Vice-Mayor Weiner felt that compensation was irrelevant but would like to see further information from Mr. Kiar. Mr. Kiar felt there was a conflict. Thomas Connick, Town counsel, described the concept of Pillar being employed for each entity and felt the issue was whether or not Pillar would be treated more favorably as a result, not whether they would be financially compensated.

Mr. Kutney advised that Council could either table this issue until there was additional information, or, with further work being held, to defer to Mr. Kiar. He did not know if the letter of justification was required for this to move forward.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to table so that it could be determined if a letter of justification was needed and to get clarification on the dispute between Pillar and Mr. Kiar on whether or not there was a conflict.

Mr. Evans did not see the need to table as Pillar's services had been discontinued, so there was no potential for conflict. Mr. Connick felt that this was done during the period when work was being done, so he disagreed. Mr. Evans indicated that he did not believe Code required a letter of justification by an engineer. Mr. Kutney agreed.

Vice-Mayor Weiner withdrew his motion and made a motion to approve without the letter of justification. Councilmember Clark seconded the motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - no; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 4-1)

- 10.3 VA 7-2-00, Summerlake Apartments, LTD., a portion SW 58, generally located at the southwest corner of SW 58 Avenue and SW 42 Street (to vacate a portion of right-of-way known as SW 58 Avenue, approximately 87.58 feet in length) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approved subject to the apparent "typo"*

Planning and Zoning Manager Jeff Katims summarized the planning report.

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

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

Quasi Judicial Item

- 10.4 **VARIANCE** - V 8-2-00, Perez & Associates Architects/Planners, Inc./Vamel Corporation, 6530, 6550 and 6570 Griffin Road (Griffin Road Corridor) (tabled from October 4, 2000) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approved subject to the planning report*

Acting Town Clerk McDaniel swore in the witnesses.

Raul Perez, representing the petitioner, explained the request in which the owner was trying to reestablish parking which would require a site plan modification, although no parking variances were requested.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the petition.

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Tom Truex, 4740 SW 72 Avenue, referred to the staff report which stated that the original plan was to demolish one building; however, all the buildings were now being kept. He felt that the variances were extreme which he described. Mr. Truex addressed the findings of fact and felt that staff overlooked the consequences of this approval. He felt that these variances would open the way for future properties and would provide a negative impact. Mr. Truex spoke about the drastic differences in what was planned and what was required. He added that the owner had been paid \$487,000 in compensation by the State and had not made an effort to comply with the Griffin Road corridor study. Mr. Truex asked Council to deny as the requests had important future implications and the applicant was asking a lot of variances.

Joe Cosner, 4451 SW 77 Avenue, was opposed as a precedent would be set.

Mr. Perez stated that most of the variances related to site conditions prior to the taking of the property. He advised that the petitioner was adding to the landscaping and the position of the parking, as well as modifying the outside of the building which would comply with the theme. Mr. Perez stated that a settlement with the Department of Transportation was not accomplished, so the petitioner was not allowed to keep the restaurant.

Councilmember Cox asked if architectural detail would be on all sides of the building. Mr. Perez responded affirmatively and explained how the building would look. He advised that the dumpsters would be enclosed with a masonry wall and added that a wall would separate the residential area from the commercial area.

Mayor Venis closed the public hearing.

Vice-Mayor Weiner advised that he had spoken to Bob Watkus who wanted to go on record as being opposed.

Councilmember Cox felt that this property was a small commercial development and if the lot was made bigger, the use would be bigger. Because it was preexisting and part of the neighborhood, some latitude could be granted. She agreed with the lot area and with the second request.

Vice-Mayor Weiner felt the corridor study called for adhering to the requirements.

Councilmember Cox made a motion to approve #1, #2 and #3 which died for lack of a second.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve #1 and #2. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - no; Councilmember Paul - yes; (Motion carried 4-1)

Vice-Mayor Weiner felt that the petitioner had been compensated and the walls of the building could be moved. Councilmember Cox advised that the minimum lot depth was not related to the building and that variances were not precedent setting issues, but individual considerations.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve #3. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

Councilmember Cox spoke to variance #4 and asked for more landscaping in the front of the building which Mr. Perez responding that this could be done. Mr. Katims

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advised that during the site plan process, a choice between sidewalks and landscaping could be made, but the critical issue was the build-to line. Mr. Perez stated that the landscape buffer would not be reduced to zero, but would be five to nine feet. If the sidewalk was left at five feet, then there would be eight to nine feet of landscaping.

Councilmember Cox asked to change the language to read "hence reducing the ten foot landscape buffer to no less than eight feet." Mr. Perez agreed. Mr. Katims advised that there was an overhang. Councilmember Cox felt that the overhang was important. Mr. Perez advised that the landscape buffer would be from 8 to 13 feet and would not be influenced by the overhang.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve variance #4 provided that the landscape buffer was a minimum of eight feet. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - no; Councilmember Paul - yes; (Motion carried 4-1)

Councilmember Cox asked where the landscape buffer would be located for variances #5 and #6. Mr. Perez explained that it would be within the wall. Councilmember Cox asked if this would meet the overall requirement for minimum open space. Mr. Katims stated that it was over by 2%. Councilmember Clark asked if the petitioner would consider landscaping the other side of the wall. Mr. Perez agreed to a hedge.

Councilmember Cox made a motion to approve variances #5 and #6 with the petitioner's willingness to a plant hedge material along the residential side of the wall, provided that the residents gave their permission.

Vice-Mayor Weiner felt that the building did not fit on the property. Mr. Perez indicated that the buildings fit before and site plan approval had been previously received with the same conditions.

Councilmember Paul questioned what the compensation was for. Mr. Perez advised that compensation was awarded for the land, lost tenants, and real estate damage. Mr. Connick advised that in eminent domain action, compensable damage included remaining parcels that may be damaged.

Councilmember Clark felt the request was extreme. Mr. Perez advised that the original conditions were being improved and advised that approval had previously been obtained from Council. He indicated that the petitioner was removing the restaurant, so extensive parking was not required for offices and small retail businesses.

Councilmember Cox felt there was some value in having low key businesses next to pre-existing residential. She questioned if the Town was achieving the goal it wanted which was to buffer the neighbors and to provide adequate open and green space on commercial sites.

Vice-Mayor Weiner asked if staff had identified which buildings throughout the Griffin Road Corridor should be torn down. Mr. Katims said that thought had been given to this, but not officially. Some buildings that did not function had not yet come in for variances. Mr. Katims explained other variances that had been applied for on other sites and compared them to this request. He felt this site generally met the intent of the ordinance.

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

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Regarding variance #7, Councilmember Clark asked if there was some place on site where the dumpster could be moved. Mr. Perez indicated that there was an area on the east side of the building where there was a loading area and a parking space that might work.

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

Vice-Mayor Weiner questioned how variance #8 would be impacted since the dumpster was being moved. Mr. Perez responded that the variance could be eliminated.

Vice-Mayor Weiner made a motion to deny. Mr. Katims advised that this variance applied to another landscape island.

Vice-Mayor Weiner amended his motion to approve the landscape island on the south side of the west building. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - no; Councilmember Paul - yes; (Motion carried 4-1)

Ordinances - First Reading (Second Public Hearing to be held November 15, 2000)

10.5 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)06-01-00, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE III, BY ADDING SECTIONS 12-32.400 THROUGH 12-32.499 TO CREATE THE R-1E PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR DISTRICT INTENT, MASTER PLANS, DISTRICT APPLICABILITY LIMITATIONS, PERMITTED AND CONDITIONAL USES, PROPERTY DEVELOPMENT REGULATIONS, AND EQUESTRIAN PROVISIONS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

This item was denied earlier in the meeting.

10.6 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-208, ENTITLED "REQUIREMENTS FOR OFF-STREET PARKING," AND SECTION 12.210, ENTITLED "USE OF REQUIRED OFF-STREET PARKING BY ANOTHER BUILDING," TO REVISE THE PARKING RATIO REQUIREMENTS FOR SELECTED USES; 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 comments were closed.

Mr. Connick indicated that the Planning and Zoning Board had made a recommendation on this ordinance and hoped that Council would have the benefits of the minutes to use as a basis for a decision. He pointed out that the area where it indicated a decrease in parking requirements, would result in an equal area in green space. Mr. Connick explained that this was a policy decision and without this, larger buildings could result instead of more green space.

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Vice-Mayor Weiner asked if this would preclude a vote on a variance with regard to a specific project and suggested Council do this, if other projects were not impacted. Mr. Kutney stated that the original intent was not to replace with green space and the Code did require 15% landscape in parking.

Councilmember Cox felt that the Town was trying to get the parking in line with other municipalities which could result in a more taxable commercial building on a site instead of parking. Mr. Kutney agreed. Councilmember Cox appreciated the Planning and Zoning Board's recommendation and the need for additional landscaping, but just replacing with green space was not necessarily the answer.

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

Item to be tabled

10.7 PLANNING AND ZONING BOARD TABLED TO NOVEMBER 8, 2000; COUNCIL CAN TABLE TO NOVEMBER 15, 2000

MASTER SITE PLAN - MSP 8-1-00, Ivanhoe Planned Unit Development (PUD)
(tabled from October 18, 2000)

This item was tabled earlier in the meeting.

11. OLD BUSINESS

11.1 Wildlife Ordinance (Councilmember Paul)

Councilmember Paul asked that this ordinance be moved to a first reading.

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

11.2 Zoning in Progress

This item was not discussed.

12. NEW BUSINESS

12.1 Reschedule December 6, 2000 Council Meeting to December 5, 2000 (National League of Cities)

This item was approved earlier in the meeting

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 2:22 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk