

**TOWN COUNCIL
REGULAR MEETING
JANUARY 17, 2001**

1. PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Town Counsel Tom Connick, Town Attorney Kiar, and Town Clerk Muniz and Assistant Town Clerk McDaniel recording the meeting.

3. PRESENTATIONS

3.1 Davie/Cooper City Chamber of Commerce

Arlene Broleman, Executive Director, advised that the Chamber was having a Car Club Rally and would like Mayor Venis to present the Mayor's Trophy at that event.

3.2 Water Restrictions

Dan Stallone, Code Compliance Supervisor, explained the specific restrictions and that the restrictions were in Phase II which was the enforcement stage. He explained the citation process and suggested that the Town consider adopting the South Florida Water Management's model ordinance. Mr. Stallone advised that at the end of February, Phase III would go into effect and if no relief was in sight, Phase IV would begin in April.

Councilmember Paul asked about the restrictions for those homes that had wells. Mr. Stallone responded that the restrictions applied to all residents and explained the present watering schedule.

3.3 Pine Island Update

Public Works/Capital Projects Manager Bruce Bernard reported that the park represented the largest single element of the bond issue and would be done in two phases. The design phase was 50% complete and these elements were on schedule to open in February. Mr. Bernard advised that the gym would take seven months to build, was 13% complete and was on scheduled to open in June.

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

Bonnie Stafiej, Special Projects Director, advised that upcoming events included: Toughman Contest (January 19th - 20th); Actors Community Theater play auditions; and the transit grand opening, (January 26th).

Mayor Venis announced that item 9.9 has been withdrawn by the petitioner. He advised that items 7.15 and 9.8 needed to be tabled until February 21, 2001.

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

Mayor Venis announced that item 9.7 needed to be tabled until February 7, 2001.

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

Mayor Venis advised that item 7.14 would be heard at this time.

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7.14 Mayor Venis explained that Council had held a workshop regarding boundary issues and this resolution needed to be separated into two resolutions - one for Hawkes Bluff students going to HHH in Weston and one for the orphans at Indian Ridge to attend Western High School.

Mayor Venis asked if anyone wished to speak on this resolution.

Colleen Cianelli, 10332 SW 18 Street, advised that the plan for getting Indian Ridge students back to Davie had been progressing for three years and the resolution brought the Indian Ridge issue forward. She advised that the focus group recommended that all Indian Ridge students go back to Western High School and that Hawkes Bluff students be allowed to go to the new HHH which was nearer to their homes.

Karen Rogover, 15031 East Waterford Drive, thanked Council for its support of this resolution. She supported the plan for students to attend the nearest school.

Dan Pignato, 6920 SW 56 Court, suggested forming a school advisory board for the Town comprised of parents and teachers to work with Councilmembers to communicate goals, such as having children attend the closest schools. He would like to see Davie students' needs considered by the School Board and recommended that residents remember the power of the ballot box in deciding what worked for the Town and their children.

Mayor Venis felt that the parents and community would like to see two separate resolutions. He did not want confusion at a vote, as there were two issues involved. Councilmember Paul agreed. Councilmember Cox pointed out that the separate resolutions needed to be very specific.

Councilmember Paul made a motion, seconded by Councilmember Cox, to prepare two separate resolutions regarding these school issues. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that item 9.5 would be taken out of order.

9.5 Mayor Venis swore in the witnesses. Mark Kutney, Development Services Director, read the planning report. Mr. Connick explained the rules for the presentation of evidence and collection of testimony.

Howard Zimmerman, representing the petitioner, concurred with the staff's report and advised that this project was identical to the Imagination Farms East project that was nearing completion. He added that lot sizes, houses and basic configuration were the same. Mr. Zimmerman stated that there was no misrepresentation that the lot size under the E zoning included the water body behind it. He answered questions confirming that there were 308 homes with the same square footage as Imaginations Farms and various square feet of net dry land, with no lot less than 20,000 square feet of net dry. He advised that each lot was approximately 120 x 292, with 35 smaller lots and nothing below 20,000 gross acreage. Mr. Zimmerman reported that the north and east perimeters had a 30 foot bridle path area dedicated to open space and accessible to the Town and that this was a gated community. The landfill area would be screened by landscape and the EPA had reported that there were no issues as far as health or safety.

Councilmember Paul referred to the barbwire fence on part of the perimeter and asked if there would be a 15 foot easement in addition to the 30 foot trail. Mr. Zimmerman stated that the easement was not in addition to the trail and Councilmember Paul felt that needed

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clarification. She asked about the misunderstanding about the lots with the Planning and Zoning Board to which Mr. Zimmerman replied that he did not know why they thought all lots on the north side would be acre dry lots.

Councilmember Paul asked if the plan included widening Orange Drive. Mr. Zimmerman confirmed that the portion from Shotgun Road to the bridge would be widened. Councilmember Paul felt this would be a sticking point and did not agree that four lanes were needed to accommodate the school. Mr. Zimmerman stated that it was needed to accommodate the commercial areas. Councilmember Paul felt that commercial development would not be compatible with the area. Mr. Zimmerman pointed out that the zoning of the property had no bearing on the design of the road.

Mayor Venis asked if Broward County had requested that the road be widened. Mr. Zimmerman agreed that the County set the capacity of the roads and a study showed a need for four lanes. Mayor Venis and Councilmember Paul both advised that a resolution had been passed to maintain Orange Drive as two-lanes. Mr. Zimmerman reported that there was a petition to take Orange Drive off the trafficways, which would result in a hearing.

Councilmember Clark asked if residents would be introduced to this as Vista View Park or a landfill. Mr. Zimmerman stated that the drawing showed the landfill on the map.

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

Mike Bender, 14800 SW 31 Court, referred to a 1995 settlement agreement and a past proposal by Mr. Zimmerman, which was denied. Mr. Bender felt that Council had the courage in the past to oppose Mr. Zimmerman and to level the playing field. He felt that it was time to change the rules and added that he did not trust Mr. Zimmerman. Mr. Bender advised that widening Orange Drive would open a door for a Super Walmart and agreed that Mr. Zimmerman was entitled to E-1 zoning as it pertained to the settlement agreement. He strongly recommended that Council take Orange Drive off the trafficways from Flamingo to Shotgun Road, that it implement a code of conduct for developers, demand County, State, and Federal up-to-date testing on this property, and temporarily condemn this property as a health and safety hazard until an independent source could verify this testing. Mr. Bender asked Council that Mr. Zimmerman be required to provide an adequate buffer for all residents of 31st Court, to hire a community liaison to work with developers and to fine tune the zoning process so residents' time was not wasted. He requested that a security bond be established to protect the residents on wells. Mr. Bender thanked the Planning and Zoning Board and the Councilmembers for fighting for the Town.

Dan Pignato, 6920 SW 56 Court, agreed with Mr. Bender and was opposed to the widening of Orange Drive. He agreed that a code of conduct for developers was needed which should include a list of items that must be provided and the do's and don'ts. He added that tabling of ordinances by staff also needed to be limited. Mr. Pignato recommended a notice to owners within 1/4 mile of proposed development, and added that residents did not want a Walmart in that area. He supported the efforts of Council.

Marcia Joseph, 13700 SW 18 Court, was concerned that when there were normal size lots backed up to large lots, these residents begin to resent the animals that were in the lots behind them, which created neighborhood dissension. She advised that 35,000 square foot net dry lots would result in fewer units and she felt that this represented greed on the part of Mr. Zimmerman. Ms. Joseph advised that she had requested a rural ranch designation for the Oak Hill area some time ago and felt that E zoning had not helped.

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Raul Bosque, 14801 SW 31 Court, advised that Mr. Zimmerman was a businessman and he did not propose any plan that would result in the developer losing money. He reported that the residents felt a lack of representation by government in the past when commercial property was proposed which had changed with the current Council and the new Administrator. Mr. Bosque spoke about the bond issue passed by the County and suggested that the County would pay Mr. Zimmerman more than what he had paid for the property. He reported concerns by residents and staff that there could be problems in building close to the landfill and with the proposal to build a Walmart. Mr. Bosque predicted that there would be picketers in front of his development and challenged Mr. Zimmerman to turn this land into a regional open space park by entering into negotiations with the County.

Councilmember Paul asked how residents felt about a park. Mr. Bender reported that all would support this plan.

Judd Brasier, 13314 SW 40 Street, asked about the size of the lots. Mr. Zimmerman advised that the lot sizes were the same as those in Imagination Farms and that the price range of the homes was \$250,000 and higher.

Bruce Novak, 4260 SW 78 Drive, indicated that an identical area in Miramar resulted in the homes sinking. Mr. Zimmerman stated that they were not building on a landfill but on solid rock and they had investigated the soil.

Mayor Venis swore in additional witnesses.

Dan Barr, 13323 SW 40 Street, felt it was ironic that Mr. Zimmerman was being complimented on the Imagination Farms development and condemned for this proposal. He pointed out that there were no differences and the development should be welcome in this area. Mr. Barr hoped that Council had the courage to honor its commitments and referred to the legal opinion that Mr. Zimmerman had the right to develop. He added that the traffic on Orange Drive would be alleviated by the widened area. Mr. Barr suggested that there was no demand for 35,000 square feet lots and horses on the property.

Tom Truex, 4740 SW 72 Avenue, indicated that he was a candidate for the District 2 Council seat and he supported the residents in this matter. He stated that he had helped residents in dealing with developers and asked Council not to be afraid to do what was right for the residents.

Mike Williams, 13342 SW 40 Street, stated that Mr. Zimmerman had the right to an E-1 zoning. He questioned if it would be profitable for Mr. Zimmerman to sell the 60 acres or donate the land and asked if the money was there for the County or Town to pursue this. Mr. Williams was concerned about the traffic, but spoke in support of the regional park.

Jorde Gisella, 13878 SW 43 Street, asked Mr. Zimmerman who would pay for the changes needed, stating that the in and out lanes in front of Imagination Farms were not accommodating for trafficways or a four lane highway and would need an upgrade. Mr. Zimmerman advised that there were no official plans to make it four lanes; however, there was a petition to remove that portion of Orange Drive from the trafficways. Mr. Gisella was concerned about the increase of traffic.

Mr. Zimmerman advised that he would be shocked if the residents in that area wanted a regional park, but he would participate in all discussions. He recalled that the biggest objection from the residents was their opposition to blasting. The settlement agreement dealt with that issue and he confirmed his commitment to do everything to try and not blast, even though they were allowed to do so. Mr. Zimmerman advised that all along he had done exactly what he said he would. He advised that the land purchased for commercial was not

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changed but bought that way and his goal was to reproduce a development to be proud of which the Town was comfortable with. The widening of Orange Drive could be worked out in changing traffic patterns and he spoke well of the rural character of the road, but added that this was an issue for site plan. Mr. Zimmerman advised that staff found him to be in compliance with the settlement agreement and the Town knew exactly what it would be getting.

Vice-Mayor Weiner had a concern that Mr. Zimmerman would have a contractual right to the value of the land being the same as if it was already zoned. Although he did not agree, and wished that Council had not created the E zoning, the contract stood. He asked if Mr. Zimmerman would be willing to sit with the County in discussion about the purchase of this 60 acres. Mr. Zimmerman agreed.

Councilmember Paul confirmed that the value of the property would not change and agreed with the developer's right. She indicated that she felt better that this would be the same as Imagination Farms, but asked if Mr. Zimmerman would be willing to have 35,000 square feet net on the north side as an additional buffer for those on 31st Court.

Councilmember Paul asked how the Orange Drive issue could progress with the goal of it staying as a two lane road. Mr. Zimmerman suggested that a directive be made to Mr. Willi to deal with the engineering aspect of it and advised that he did not want to create a lot size that would result in a double standard in the community. He stated that the wetland area had not been eliminated, resulting in deeper lots, but it was a much better environment for a horse trail.

Mayor Venis stated that Imagination Farms had some lots at 35,000 square feet and recommended that some of the lots abutting 31st Court be 35,000 square feet. Mr. Zimmerman stated that this could not be done without taking away water. He pointed out that the reason for the configuration with the lake system was for security, while abutting the houses was counterproductive. Mr. Zimmerman answered questions confirming that the homes on builder's acres at Imagination Farms were all in one group.

Mayor Venis referred to the map, stating that he could not tell where the builder's acres were and suggested an extra buffer against the 31st Court community. Mr. Zimmerman stated that this was a site plan issue, not zoning. He indicated that he came forward with 100-140 feet of open space to separate the two lifestyles, far more than what was required. The original site plan showed that the size of the east side lot was not part of the settlement agreement and was not required.

Councilmember Cox suggested that Mr. Zimmerman augment the width of the water on the north perimeter and narrow some of the other lakes. Mr. Zimmerman stated that this could not be done as the standard for the size of the lots would not be met. He indicated that the South Florida Water Management dictated how much water was required for drainage.

Councilmember Cox recommended running the roads in the opposite direction. Mr. Zimmerman said that this was not possible because there was no water body at the south end.

Mr. Connick explained the pertinent portion of the agreement. He stated that staff suggested that approval of the E zoning be subject to the condition of the agreement. Mr. Connick recommended that if there were specific needs for buffering, it be made a condition of rezoning when it went for site plan approval. He stated that the agreement was to develop 314 of the 349 lots at 35,000 square feet or greater with the remaining 35 lots ranging from 20,000 to 35,000 square feet. Mr. Connick did not know why it said no more than 52 smaller lots. Mr. Zimmerman explained that it was now known how the plan would end up and

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Council said, that no matter what happened, it could not be more than 52. Mr. Connick referred to the paragraph about the conceptual site plan and stated the development would be consistent with this plan.

Councilmember Paul agreed with the petitioner's right but was concerned with the reconfiguration of the north. She asked if it could possibly include water and a larger site. Councilmember Paul asked for clarification on the 15 foot easement question and asked Mr. Connick about Home Rule. Mr. Zimmerman advised that he had made an application to remove Orange Drive but was turned down at the County. Councilmember Paul stated that she would like to resolve the road issue with the County, clarification of the 15 foot easement and to continue to look at the reconfiguration of the north.

Councilmember Paul made a motion to table until these three issues are resolved.

Vice-Mayor Weiner stated that the 15 foot easement did not affect the rezoning. He felt Orange Drive being removed from the trafficways was a concern, which needed to be addressed quickly because another issue would resurface down the road and that the reconfiguration of lots was not an issue for zoning. Mr. Zimmerman said that he would meet with homeowners about the configuration.

Mayor Venis asked if it would be a hardship if the request was tabled to the next meeting to try to work out the configuration with the residents. Mr. Zimmerman stated that he would meet with residents, but he needed to get a site plan approval which could not be scheduled until the zoning was finished. Mayor Venis noted the tension with residents about this issue and recommended that Mr. Zimmerman get input from homeowners.

Vice-Mayor Weiner questioned if Councilmember Paul would amend her motion to approve consistent with the settlement agreement, contingent upon the developer meeting with her and residents within the next two or three weeks to review the site plan and attempt to configure alternatives. Councilmember Paul said that she did not want any misinformation or loopholes and wanted everything settled when it went to the Site Plan Committee.

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 - no; Councilmember Cox - no; Councilmember Clark - yes; Councilmember Paul - yes. (Motion carried 3-2)

Councilmember Paul clarified that her motion was to the next meeting [February 7, 2001].

Vice-Mayor Weiner indicated that his opposition to the motion was based upon the specifics of the settlement agreement that did not apply to a rezoning issue. Councilmember Cox agreed with Vice-Mayor Weiner.

7.1 Town Clerk Muniz read the proclamation.

Kathleen Bleier, Broward County School Board volunteer, spoke about the programs and positive influences of South Plantation High School.

9.6 Mayor Venis swore in the witnesses. Mr. Connick explained the rules for presentation of evidence. Mr. Kutney summarized the planning report.

Bill Laystrom, representing the petitioner, explained the request. He stated that this zoning allowed the rental of trucks but not the sale of trucks which was what the petitioner wanted to do. Mr. Laystrom indicated that the petitioner would put this in the form of a deed

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restriction with the hours of operation being Monday through Friday, 8:00 a.m. to 5:00 p.m. and Saturday, 9:00 a.m. to 12:00 noon. Mr. Laystrom advised that 30% of sales would be tractors and the petitioner had agreed to cap the number of vehicles at the front of the facility at 12. He reported that the residents had requested a wall instead of landscape buffering along two boundaries and the petitioner agreed to construct a six to eight foot wall. Mr. Laystrom indicated that his client had also agreed to eliminate all on site repairs and maintenance. He pointed out that the petitioner planned to rehab the building, construct a full fence around the site, not use dogs for security purposes, and use a lighting plan similar to those used in an office space. Mr. Laystrom felt that this would be better for residents than a rental or any other use that could be put on this site. He advised Council that they had tried to work with residents and indicated that the hardship existed as the size of this property had been reduced, with property being taken for State Road 84 and I-595.

Councilmember Paul felt this was not a hardship as the State provided compensation when land was taken. She asked if this was the only use that could go on this site with Mr. Laystrom indicating that it was not.

Vice-Mayor Weiner reported that he had received photographs on this site and had spoken with Jim Dale, Sharon West and Al Franker.

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

Jim Dale, owner of the Paradise Village property, displayed photos of an identical business in Tampa and submitted a petition with 248 signatures. He advised that he had been working to improve the area and asked Council not to allow this use. Mr. Laystrom had no objections to the petition being submitted as Exhibit 1 and the pictures as Exhibit 2.

Norma Vento, 12850 State Road 84, spoke about the diesel smell and noise pollution. She felt that the traffic would be worse and a danger to the children in the neighborhood. Ms. Vento advised that it was a quiet neighborhood and the atmosphere would change.

Sharon West, 12850 State Road 84, requested that the quiet of her home be preserved and she did not want the noise and stink of the trucks. She spoke about this area as an entrance to the community and felt that the Town would be identified by the image of these large trucks.

Matthew Rhodes, 401 SW 130 Avenue, spoke about the noise, vibration and discomfort that tractor trailers would produce for a residential community. He advised that he would not want the trucks that he drove to be located in his neighborhood. Mr. Rhodes felt that traffic would be a safety issue and pointed out that a truck facility was not usually a well-maintained property. He asked Council to deny the request.

Bruce Novak, 4262 SW 78 Drive, spoke about the petroleum products that could drain into the soil creating contaminants in the ground and eventually the water.

Al Roskowitz, 12850 State Road 84, stated that the park did not need to have more fences or walls to block them off.

Michael Davenport, 14041 SW 22 Place, felt there was an inconsistency in the Code as the zoning allowed for leasing which would not have to come before the Planning and Zoning Board or Council and which would result in the trucks having to be maintained. He recommended that if this request was approved, there was an opportunity to address the objectionable issues and limit the size of trucks, trafficways, and hours of operation. If this was not approved, the Code allowed someone else to come in without restrictions.

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Marilyn Anzak, 12850 State Road 84, felt that the previous speaker was right, but she advised that he did not live next to this site. She was concerned that the property may not be maintained and felt that residents may not want to look at trucks, which they would definitely see, as they were tall.

Mayor Venis closed public hearing.

Mr. Laystrom spoke about the corridor along I-595 and pointed out that there were retail, industrial and office facilities all along this area, which was why this property was chosen. He indicated that there were no plans to have trailers on the site, just tractors which would be agreed to with a deed restriction and suggested having maintenance of the landscaping as part of the deed restriction. Mr. Laystrom spoke about the pictures which showed parking of the trucks in the front, but he assured that the trucks would be in the rear and added that the landscape at the Tampa site was not what the applicant was proposing, but a high wall and tall trees. He advised that the agreement was to not start the trucks until 10:00 a.m. and asked Council to approve with whatever conditions it felt were appropriate.

Mayor Venis felt that good points were made by the residents and the petitioner. He indicated that he concurred with staff's report to deny and suggested modifying the Code regarding these types of facilities. He advised against this variance.

Vice-Mayor Weiner recommended that the Town look at the inconsistency for leasing and sales and the location in proximity to residential neighborhoods. He opposed this variance, stating that there were other reasonable uses of this land. Vice-Mayor Weiner also recommended amending the Code.

Councilmember Paul felt that a creation of a master plan for the Town would address this issue. She stated that the Economic Development Council could then go out and seek a specific business for a site. Councilmember Paul felt that many Codes needed to be visited and added that she was opposed to the request.

Councilmember Cox advised that she had spoken with Mr. Dale and Ms. West and had seen the photos. She concurred with the other Councilmembers and Mr. Davenport had made a good point with the statement regarding the Code.

Councilmember Clark advised that she had spoken with several residents, Mr. Dale, Mr. Campbell and Ms. West. She felt that there was no reason to grant the variance, there was no hardship and she could not support the request.

Mayor Venis indicated that he had spoken with Mr. Dale, had seen the photos and had spoken with several residents. Councilmember Paul added that she had also spoken with several residents and had received several e-mails.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, 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)

Mayor Venis called for a recess at 10:20 p.m. and reconvened the meeting at 10:29 p.m.

Mayor Venis stated that there was a good discussion on the truck facility and asked if Council should proceed with a zoning in progress. Mr. Connick stated that based on the conversation, it would make sense for Council to declare a zoning in progress and to instruct that the Planning and Zoning Division and the Town Attorney look into the issue raised by

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Mr. Davenport. He indicated that a motion would put any persons so situated on notice and to declare a zoning in progress. Mayor Venis added that staff should be directed to revisit the ordinance.

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

4. MAYOR/COUNCILMEMBER'S COMMENTS

No comments were made.

5. TOWN ADMINISTRATOR'S COMMENTS

5.1 Discussion on Hiring of Fire Chief
(This item was presented later in the meeting.)

6. TOWN ATTORNEY'S COMMENTS

No comments were made.

7. CONSENT AGENDA

Proclamation

7.1 South Plantation High School Appreciation Day (February 16, 2001)

Resolutions

R-2001-009 7.2 **CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RETITLING AND REVISING THE JOB CLASSIFICATION FOR THE POSITION OF ECONOMIC DEVELOPMENT COORDINATOR TO ECONOMIC DEVELOPMENT MANAGER AND ADJUSTING THE PAY GRADE IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN. (tabled from December 20, 2000)**

R-2001-010 7.3 **FUND TRANSFER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO TRANSFER PARKS AND RECREATION BOND FUNDS FROM PROJECTS COMPLETED UNDER BUDGET TO THE PINE ISLAND PARK PROJECT TO ENHANCE FACILITIES BEING CONSTRUCTED WITH PARKS AND RECREATION BOND FUNDS. (\$142,587.55)**

R-2001-011 7.4 **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER WITH DOOLEY AND MACK CONSTRUCTORS, INC. FOR THE CONSTRUCTION OF CANOPY SECTIONS, A CANVAS CANOPY, BLEACHERS, AND "D" CURBING AT THE "MULTIPURPOSE FACILITY AT PINE ISLAND PARK". (\$41,566.80)**

R-2001-012 7.5 **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING CHANGE ORDER NUMBER 1 BETWEEN THE TOWN AND GENERAL ASPHALT CO., INC. FOR THE ORANGE PARK STREET RESURFACING PROJECT. (net increase of \$11,124.90)**

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- 7.6
R-2001-013 **OBJECTION TO RATE INCREASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OBJECTING TO THE RECENT WINDSTORM INSURANCE RATE INCREASE BY THE FLORIDA WINDSTORM UNDERWRITING ASSOCIATION (FWUA); URGING THE GOVERNOR OF FLORIDA AND THE FLORIDA LEGISLATURE TO CONVENE A SPECIAL SESSION OF THE FLORIDA WINDSTORM UNDERWRITING ASSOCIATION PANEL RESPONSIBLE FOR APPROVING THE RATE INCREASE; AND DIRECTING THE TOWN CLERK TO FORWARD A COPY OF THIS RESOLUTION TO THE GOVERNOR AND EACH MEMBER OF THE FLORIDA LEGISLATURE.**
- 7.7
R-2001-014 **CRA FUNDS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE CRA PRIOR YEAR CARRYFORWARD FUNDS AND PLACING SUCH FUNDS INTO THE CRA BUDGET.**
- 7.8
R-2001-015 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO PURCHASE AN ADDITIONAL COMPUTER VOICE STRESS ANALYZER. (National Institute of Truth Verification; \$9,713)**
- 7.9
R-2001-016 **RECLASSIFICATIONS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING THE CLASS SPECIFICATIONS FOR THE POSITIONS OF CREW LEADER, OPERATIONS SUPERVISOR AND FITNESS SPECIALIST IN THE BLUE COLLAR PAY AND CLASSIFICATION PLAN.**
- 7.10
R-2001-017 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "THE PLAZA PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 1-1-01, 11204 State Road 84)**
- 7.11
R-2001-018 **AMENDING CONDITIONS OF APPROVAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CONDITIONS OF APPROVAL ASSOCIATED WITH RESOLUTION NO. R-2000-210; AND PROVIDING AN EFFECTIVE DATE. (P 12-3-99, Long Lake Estates II, 3201 Hiatus Road, 3304 Hiatus Road and 3501 Nob Hill Road)**
- 7.12
R-2001-019 **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DAVIE PROFESSIONAL BUILDING 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 9-1-00, 4179 Davie Road)**

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- 7.13 R-2001-020 **NEW DEPARTMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SEPARATING THE INFORMATION SYSTEMS DIVISION FROM THE BUDGET AND FINANCE DEPARTMENT OF THE TOWN OF DAVIE, CREATING A STAND ALONE DEPARTMENT AND REVISING THE CLASS SPECIFICATIONS TO INDICATE THE CHANGE IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.**
- 7.14 **HIGH SCHOOL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING THE BROWARD COUNTY SCHOOL BOARD TO PERMIT THE SCHOOL AGE RESIDENTS OF THE TOWN OF DAVIE TO GO TO THE HIGH SCHOOL NEAREST TO THEIR HOME.**

Site Plans

- 7.15 **PETITIONER REQUESTING A TABLING TO FEBRUARY 21, 2001**
SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor) (tabled from December 20, 2000) *Planning and Zoning Division recommended denial; Site Plan Committee recommended denial*
- 7.16 SP 9-3-00, Jewish Federation, 5850 Pine Island Road (CF) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval of the two buildings, excluding the fitness center*
- 7.17 SP 9-5-00, FL 2695 Whale Harbor, 2441 South State Road 7 (B-3) *Planning and Zoning Division recommended approval; Site Plan Committee recommended approval*

Councilmember Clark asked that item 7.3 be removed from the Consent Agenda. Councilmember Paul asked that item 7.11 be removed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 7.3 and 7.11. In a voice vote, all voted in favor. (Motion carried 5-0)

7.3 Councilmember Clark advised that she had spoken with staff who were aware of her questions and concerns. She stated that she was not in favor of this item and advised of the negative feedback she had received regarding this resolution, based on the needs of the 61st Avenue Park. Councilmember Cox stated she would like to see this money funneled into the 61st Avenue purchase or to take the remainder of the \$1 million bond issue and begin to build 61st Avenue. Councilmember Paul felt that \$100,000 could be used to begin this park.

Councilmember Clark understood that the original bond was for \$2 million to purchase and develop parks but there was nothing stopping Council from directing these funds for the development of the park. She indicated that she was told that if there was any remaining park bond money, it would be redirected to east Davie.

Vice-Mayor Weiner agreed with the frustration, but recommended that the money be retained in the bond fund and priorities set up for its use, rather than have it directed to a

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specific park. Councilmember Cox recalled that in some discussions, Council had decided that the remainder of the \$1 million would go for a pool and a park at 61st Avenue and did not understand why there would be a question about this. She suggested taking the extra \$400,000 and County money to use on the east side, beginning with 61st Avenue. Vice-Mayor Weiner was not opposed to the idea, but staff should come back with a plan of priorities for the next meeting. Councilmember Cox felt the proposal to use it on Pine Island was off track and the money should be used on the east side.

Mayor Venis agreed that it was the consensus to develop this park and there should be a plan for how this money should be allocated. Councilmember Paul recommended a resolution to direct the remainder of the \$1 million to 61st Avenue.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to give direction to Mr. Willi and staff to earmark the remainder of one-half of the acquisition and development money, being approximately \$340,000, to develop the park on 61st Avenue. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Cox pointed out that Councilmember Clark had been adamant about the improvements to Potter Park. She said that a decision needed to be made whether it was accomplished with capital funds, CDBG funds or redirecting "this" money. Councilmember Cox asked Councilmember Clark what she would like to see happen. Councilmember Clark understood that Potter Park was in the first year of the capital projects budget but the funds were not there. She would prefer that this money go back to the bond which could then be requested for Pine Island Park

Mr. Bernard stated that without any contingency, staff's hands would be tied for the project at Pine Island Park to move ahead which would cause the contract to be stopped. He indicated that over 50% of the major portion of the design build was done and felt that the request would be enough to "get us through".

Vice-Mayor Weiner recommended giving staff the authority to use the money for Pine Island Park, but report back at the next meeting. Mr. Bernard advised that any expenditure over \$5,000 had to be approved by Council.

Councilmember Cox pointed out that since the contractors were at Pine Island Park and if certain areas were not funded, it would cost more to bring the contractors back out. Mr. Bernard indicated that the biggest item was the quantity of fill for the park, not amenities.

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

7.11 Councilmember Paul was concerned that the 20 foot recreational trail on the planning report had been crossed off as the applicant had resolved the issue. Mr. Kutney indicated that the note had not changed and was the same note that was adopted by resolution. Councilmember Paul indicated that she wanted to make certain that the 20 foot recreational path was part of the engineering and development report.

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

5.1 Mr. Willi advised that the Town's Code provided that the position of Fire Chief should be an appointment by Council. He spoke about the interview process and

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recommended Michael Brown for the position of Fire Chief. Mr. Willi asked for authorization to proceed with negotiations to hire Mr. Brown. Mayor Venis concurred with this recommendation based on his experience. Councilmember Paul agreed.

Councilmember Paul made a motion, seconded by Councilmember Cox, to appoint Michael Brown as Fire Chief and enter into negotiations. In a voice vote, all voted in favor. (Motion carried 5-0)

8. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held on February 7, 2001)

8.1 REZONING AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2000-9 WHICH WAS AN ORDINANCE CHANGING THE CLASSIFICATION OF LANDS WITHIN THE TOWN FROM A-1, AGRICULTURAL ESTATE DISTRICT (COUNTY), A-5, AGRICULTURAL-EXCAVATION DISTRICT (COUNTY), M-3 GENERAL INDUSTRIAL DISTRICT (HACIENDA VILLAGE), AND M-4 LIMITED HEAVY INDUSTRIAL DISTRICT (COUNTY), TO TS, PLANNED TRUCK STOP DISTRICT; AMENDING THE TOWN'S ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-1-99, 4751 SW 30 Street)

Town Clerk Muniz 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 declared a potential conflict with the Town Attorney's Office. He explained that he and Mr. Kiar had represented a person who opposed this request and they both disqualified themselves on that basis. Mr. Kutney advised that there was a letter on file from Mr. Meyers stating that when the site plan came forward for the truck stop, he would be raising the conflict issue.

Councilmember Cox 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 Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes. (Motion carried 5-0)

8.2 VACATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR NW 33 STREET ADJACENT TO THE "A.J. BENDLE SUBDIVISION PLAT" AND THE UNRECORDED PLAT "SESSOMS PLAT"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on February 7, 2001.

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

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

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8.3 CAPITAL PROJECTS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2001-2006.

Town Clerk Muniz read the ordinance by title.

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

Tom Truex, 4740 SW 72 Avenue, felt the five-year capital plan was positive, but he was disappointed that this plan was not available to the public. He referred to the \$12.7 million planned for the new Town Hall and advised that this was almost 3 times what the Fire Department was asking and 40 times what the Police Department was asking. Mr. Truex suggested several ideas that could be pursued with this same money including a water infrastructure. He indicated that a bigger building would be filled with new staff and increasing the size of government was not what the Town needed. Mr. Truex added that voters should know that this would mean higher taxes and recommended that the budget be sent back to staff for more work.

Mayor Venis stated that a new Town Hall was addressed at a workshop meeting and it was decided that a new Town Hall not be pursued. Mr. Willi explained that the \$12.7 million represented the worse case scenario for future growth and would be a future expenditure. He added that the amount included land costs and an 80,000 square feet building for the purpose of expanding office space.

Vice-Mayor Weiner pointed out that the Town had grown dramatically and space was needed. This need was impacting the ability to provide services, but it should not be done today. He advised that other plans needed to be looked at, such as satellite offices in various areas instead of a single unit Town Hall. Mayor Venis described the time when the Police Department was leasing trailers and operating out of shopping centers throughout the Town which was very inefficient. He was glad to see that a facility was planned and added that the voters would need to make the decision. Mayor Venis added that a comprehensive plan to service the residents was important.

Mayor Venis spoke about paving the roads during year one of the plan and asked if there were specific roads that needed to be paved. He also asked if guardrails were listed in the plan. Mr. Bernard advised that there was a list of roads which would be done each year and \$60,000 had been allocated for year two.

Councilmember Clark took issue with item #76 and felt that land acquisition should not be listed as a capital project. Developing the 61st Avenue park was an issue and should be put in the capital budget in the first year. She advised that \$705,000 was needed to finish Pine Island Park and she would like to see the Town develop the land it had before buying more land.

Councilmember Cox disagreed as the opportunity to augment the park at 61st Avenue was important as it would provide more field space. If bond issue money was used for the pool, then there would not be bond money left for property acquisition. Councilmember Cox recommended using the money left over from the \$1 million and adding bond money from the County for the land purchase, advising that property may not be available later.

Vice-Mayor Weiner stated that at one point, the \$2 million was examined again by staff and he recalled that the bond referendum did not provide specifically for \$1 million for the east and \$1 million for the west. He suggested using the remainder of this money to purchase the additional land for the 61st Avenue park. Vice-Mayor Weiner felt that the Town overpaid on the additional purchase, but he would rather use bond money than capital

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projects. Mayor Venis recalled that the meeting with the Parks and Recreation Advisory Board regarding the bond issue resulted in \$12 million being approved with \$1 million being allocated for the east and \$1 million for the west side. He advised that Council had voted on this and it should be carried out.

Councilmember Clark took issue with how this was addressed and felt it should have been brought up at the time when the first parcel was being purchased, instead of doing it under the capital budget. She felt this was not proper and the public should have been told that \$1 million was intended to be spent on land so they knew that the money was originally there.

Mayor Venis asked if there had been long-term negotiations on the second parcel of land adjacent to 61st Avenue. Mr. Willi stated that it had been casually discussed several months ago.

A lengthy discussion followed about the background on how this piece of property was originally purchased and the plans of Council at that time to develop the property. Councilmember Cox stated that the \$400,000 could be used to purchase the land and then Council could return to capital projects to try and figure out how to build a pool.

Councilmember Clark was against the way it was proposed and reiterated that it was important for the Town to develop the land it had. Councilmember Paul indicated that it needed to be remembered that there was only so much land and the value would continue to go up. She felt the most important thing to have was the land, even if it could not be immediately developed.

Vice-Mayor Weiner explained that when the original purchase of 61st Avenue was made it was thought that that would be sufficient land. He advised that all park lands purchased must be maintained and it needed to be decided how much land the Town would purchase. Councilmember Clark advised that not all the residents wanted Council to buy land and bank it. They want to see it developed and would fault Council if this did not happen.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve for first reading less the acquisition of land next to 61st Avenue Park (Item #76). 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)

9. PUBLIC HEARINGS

Ordinance - Second and Final Reading

9.1 **LAND USE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF**
2001-010 **DAVIE, FLORIDA, APPROVING APPLICATION LA (SS) 00-4A, AMENDING**
THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE
FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS
FROM "COMMERCIAL AND SPECIAL CLASSIFICATION (RESIDENTIAL 2
D.U./ACRE)" TO "SPECIAL CLASSIFICATION (RESIDENTIAL 7 D.U./ACRE);
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE. (Hidden Cove, west side of Davie Road approximately 1/8 mile north of
Stirling Road)

Town Clerk Muniz 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.

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

Resolution

9.2 **SETTLEMENT AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-2001-021 FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A STIPULATED SETTLEMENT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS PERTAINING TO DOAH CASE NO. 99-1308GM; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the resolution by title.

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

Councilmember Paul asked if there was no retail and no restaurant. Bill Laystrom, representing the petitioner, advised that in order to obtain those uses, the Department of Community Affairs would require a traffic study addressing evening peak hour trips on I-595. He indicated that the plan was to do an office flex project.

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 Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes. (Motion carried 5-0)

Vacation/Abandonment

9.3 **VA 5-2-00, Utset/Epstein and Peterson, 6701 and 6711 SW 59 Court (R-2) (to vacate a portion of SW 59 Court right-of-way located east of SW 70 Avenue, extending approximately 255 feet in length east of the west limits of the site) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval**

Mr. Katims summarized the request.

Frank Utset, representing the petitioner, was present.

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

Quasi Judicial Items

9.4 **REZONING - ZB 11-1-00, Associated Engineers of South Florida, Inc./Cooper and Blass, 2685 Reese Road (from M-3, County to M-3, Town) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval**

As the petitioner was not present, Councilmember Paul made a motion, seconded by Vice-Mayor Weiner to table to February 7, 2001. In a voice vote, all voted in favor. (Motion carried 5-0)

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- 9.5 **REZONING** - ZB 11-2-00, H.J. Zimmerman & Assoc., Inc./South Post, Inc., 4200 Shotgun Road (from A-1 to E) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

- 9.6 **VARIANCE** - V 10-2-00, Jazayri, 450 SW 130 Avenue (B-3) (from Section 12-34(CC)(1)(a), which requires a minimum parcel size for the development of an automobile and/or truck sales facility to be 5 acres to a minimum parcel size of 3.1 acres) (tabled from December 20, 2000) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

This item was denied earlier in the meeting.

Items to be tabled

- 9.7 **PLANNING AND ZONING TABLED TO JANUARY 24, 2001;
COUNCIL CAN TABLE TO FEBRUARY 7, 2001**

REZONING - ZB 10-1-00, Home Depot USA/Geiserman, Trustee and Farias, west side of University Drive, north of Stirling Road (A-1) (tabled from December 5, 2000)

This item was tabled earlier in the meeting.

- 9.8 **PLANNING AND ZONING TABLED TO FEBRUARY 15, 2001;
COUNCIL CAN TABLE TO FEBRUARY 21, 2001**

VARIANCE - V 5-4-00, Lombardo/Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from December 20, 2000)

This item was tabled earlier in the meeting.

- 9.9 **WITHDRAWN BY PETITIONER**

MSP 8-1-00, Ivanhoe Planned Unit Development (PUD) (tabled from December 20, 2000)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing

10. NEW BUSINESS

- 10.1 Environmental Board (Mayor Venis)

Mayor Venis felt this board would be a real asset to the Town and could advise the Site Plan Committee, the Planning and Zoning Board and Council on habitat issues. He indicated that it could be an outreach board, attending other meetings regarding wildlife as well as water issues. Mayor Venis advised that his plan was to formalize the board and merge it with the Davie Water Advisory Board. He also suggested expanding the size of the board to include interested residents.

Councilmember Paul indicated that she was behind this suggestion 100%. She recommended that the board assist the Town when wildlife and tree surveys were needed at a proposed site.

Mike Bender felt it was a good idea to combine the boards, but recommended that when people were appointed, it needed to be someone with a great deal of expertise.

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

Councilmember Paul distributed information to Council about the sound barrier wall and continuing concerns of the Ivanhoe residents. She advised that she would be commenting about this at the next meeting.

Mr. Willi stated that Southwest Ranches had sent correspondence regarding the possible de-annexation of the South Broward Drainage District property to allow the Ranches to move portables next to the building to be used as a temporary municipal office. He asked if the Town had any concerns regarding the possible de-annexation of this parcel.

Mayor Venis stated that he had spoken to the Ivanhoe residents and they seemed to be fine with this as a temporary measure. He added that he would like to see some safeguards for these residents adjacent to the current offices. Mayor Venis advised that since this land was occupied by the Water Management District, it was useless to the Town; however, if the Ranches moved out of these offices, he would want the property to come back to the Town.

Mr. Willi suggested that Ivanhoe have a workshop on this issue for residents with Ranches City Manager John Canada.

Vice-Mayor Weiner advised that although the Ranches was successful in its recent lawsuit, the appeals period had not yet run out. He indicated that he would not like to de-annex property to another municipality that may be under challenge of litigation of whether or not they were a legitimate municipality.

Councilmember Clark advised that she had toured an area where residents were requesting speed humps. The residents had done everything they had been asked to do with regard to a petition and now staff could work on the criteria to address the need.

Mayor Venis stated that the residents on 31st Court were very happy with the speed humps and he felt that the traffic pattern had changed. He requested that the Town Engineer look at the entire length of 31st Court to assess if more speed humps were needed.

11. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 12:09 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk