

**TOWN COUNCIL
REGULAR MEETING
FEBRUARY 7, 2001**

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 Town Administrator Willi, Town Counsel Connick, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

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

Bruce Novak, 4262 SW 78 Drive, spoke about the idea of securing an area to reserve water. He suggested an ethnic celebration to provide better understanding of the different groups and their needs. Mr. Novak mentioned the Broward County funds designated for parks and asked about the process for locating areas for future parks. Councilmember Paul indicated that she would meet with Mr. Novak.

Dean Alexander, 13820 SW 16 Street, advised that he was a candidate for District 4 and spoke about the new sound system and television capabilities. He read a letter he had written to Council in 1996 recommending new equipment. Mr. Alexander suggested it would take time to learn the new system and thanked Comcast, BellSouth, Electric Image, Council and staff for making this possible.

Arthur Joseph, 13700 SW 18 Court, was pleased that Westfair had been canceled. He described the animal abuse he felt was taking place in the rodeo events and spoke against Council and the rodeo in regard to this. Mr. Joseph asked about the plan to control pigeons, wanting to know if they would be killed. Mayor Venis indicated that this was not the plan and had never been the case.

Cindy Osborne, 4420 SW 64 Avenue, asked about the Capital Projects plan and recommended the purchase of the Roberts property next to the 61st Avenue site. She would like to see it put back into the five-year plan and questioned the six acres suggested for a possible Town Hall project. Mr. Willi advised that this was a hypothetical, worse-case scenario suggestion and there was no specific parcel designated. Ms. Osborne invited all residents to the February 20th dinner and discussion with candidates.

Rose Anderson, 4950 SW 111 Terrace, read a letter from Mr. Willi to Mr. Bergeron regarding the renaming of the rodeo grounds. She stated that the letter misrepresented the residents and felt that the petitions signed by taxpayers did not represent a small interest group. Ms. Anderson read the letter from Mr. Bergeron and offered that the naming of the arena did not "bestow honor" on him, but instead she spoke strongly against his character and what he stood for, as he had publicly compared himself to Hitler.

Ruth Bronisas, 1601 SW 116 Avenue, thanked Council for voting to not increase the density along Hiatus Road and asked Council to continue to resist further development in Davie wherever there were equestrians. She advised that it was difficult to ride along Hiatus Road and suggested a trail. Ms. Bronisas thanked Councilmember Cox for her years of service and point of view and asked that Council get rid of the unsightly chain link fence along State Road 84. She spoke about Sam Weiner's recent passing and felt the Town lost a good citizen, and added her support for the rodeo.

Tom Truex, 4740 SW 72 Avenue, advised that he was a candidate for District 2 and promised to promote trails, bike paths and pedestrian paths. He advised that on February

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

10th, he would be riding the width and length of the Town on a unicycle. Mr. Truex spoke about his own support of public safety, police and fire rescue, and indicated if elected, this would be a priority. He recommended that the firefighters and police endorse any candidate they chose and he would continue his support for them. Mr. Truex added that residents needed to do their own thinking and look at all the candidates' platforms.

Jason Curtis, 3801 Flamingo Road, gave his phone number for farmers and advised that anyone who had been harassed by Town staff should come to an upcoming meeting or call him.

Reney Hansborough, representing the Broward County American Cancer Society, advised of the upcoming Relay for Life being held on March 16th and 17th. She described the walk/run against cancer, the involvement of cancer survivors, and local entertainers and the various activities. Ms. Hansborough advised that 60% of funds raised would stay in the community and thanked Vice-Mayor Weiner for his involvement.

Dan Pignato advised that he was a candidate for District 2 and spoke about his history of working toward trails and parks, pointing out that Mr. Truex was opposed to these efforts. He spoke about his involvement in the Youth Sports Council, his work on the library bond which he said Mr. Truex opposed, and his presidency with PACE Broward. Mr. Pignato described his qualifications as a candidate and indicated that he had been endorsed by the Police, Firefighters and the Broward Teachers Unions. He stated that public safety, youth education and sports would be his priorities.

Margie Nestor, 5601 SW 67 Terrace, thanked Councilmember Cox for all she had done for the Town. She felt that Mr. Truex's negative comments about Mr. Pignato was "sour grapes."

Susan Starkey advised that she was a candidate for District 3 and described her work in the community. She stated that she had worked to support schools, the environment, State lobbying, Everglades restoration, the Ivanhoe community and the HHH school. Ms. Starkey spoke about budget issues and felt that strong economic development was necessary for developing the tax base.

Marissa Appleton and Jennifer Shapiro advised that they were the newly approved Charter School administrators. Ms. Shapiro spoke about the school, advising that it would begin by serving 3rd to 6th graders and add other grades in subsequent years. She explained the operation of these schools.

Judy Hexter, 1041 Meadowood Terrace, spoke in support of Vice-Mayor Weiner and Councilmember Paul as they had represented Davie residents and had not been controlled by outside interests with private agendas. She thanked Councilmember Clark and cautioned her to not be deterred by insults.

Elliot Safdie, 15060 Durham Lane, thanked Mayor Venis, Vice-Mayor Weiner, and Councilmember Paul for helping residents in the Ivanhoe area. He spoke in support of the Town purchasing the 3.8 acres for a much needed park and indicated that the present community center was being outgrown by the many events and inadequate parking. Mr. Safdie commended Officer Wendrow for policing the Stirling Road traffic and reducing the number of speeders.

Michele Whitman, 6270 SW 41 Place, thanked the Town for the new speed humps in her area and spoke in support of the proposed extension of the 61st Avenue park.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

Shirley Prevatt, 6510 SW 37 Street, spoke in support of the 61st Avenue park and described the current situation for children playing in the area. She thanked the Town for a recently added street light in her area.

Joy Yoder, 12610 SW 13 Manor, thanked Vice-Mayor Weiner and Councilmember Paul for their diligent efforts to establish a drainage system in Country Estates, as well as all Councilmembers in their efforts for the trail system. She thanked Councilmember Paul for her involvement and support of the Explorers and Police Chief John George for attending the graduation. Ms. Yoder also thanked Councilmember Cox, saying she was sorry to see her leave. She spoke on behalf of kids with motorbikes, asking if part of a new park could be devoted to their riding interests, as they were also residents.

Kimberly Dorsett, 3010 NW 78 Avenue, advised that she had had poor experiences with the Police Department and indicated that the Town had a bad reputation with minorities. She recommended that Council address other issues before increasing the pay of someone who was not ready for the diversity of the community. Ms. Dorsett advised about speeding on her street.

Mike Bender spoke in support of Councilmember Paul who had been a positive force for the Town, leading the way in protection of the environment, equestrian lifestyles, open spaces, and child safety issues. He indicated that Councilmember Paul also worked on behalf of what was right for residents and urged the residents to vote for her for District 4.

4. PRESENTATIONS

4.1 Girl Scout Troop #1023

Councilmember Clark described the Martin Luther King celebration at Potter Park and thanked the Girl Scout Troop for their work during the celebration as they had cooked hot dogs and served refreshments. She presented the Troop with a plaque for their efforts.

4.2 Human Rights Board - Jeff Gorley

Jeff Gorley recommended the creation of a community relations advisory committee which would bring issues of race relations to Council. He described the committee and its functions and suggested that it would make recommendations to Council on diversity training, police, fire, youth activities and other concerns.

Councilmember Clark spoke in support of this and recommended that Council consider this soon. Mr. Gorley indicated that he would be willing to steer the committee. Mayor Venis recommended this be prepared to come before Council at the next meeting and Mr. Gorley indicated that he would provide documentation on a committee.

4.3 Upcoming Special Events - Bonnie Stafiej and Dennis Andresky

Bonnie Stafiej, Special Projects Director, advised that upcoming events included: Fun Open Horse Show with 4H classes (February 17th); Family Bike Rally and Festival Day (February 17th); Fraternal Order of Police Association Spaghetti Dinner Auction (February 10th); Concert in the Park (February 18th); Orange Blossom Festival (February 24th - 25th).

Ms. Stafiej announced that the Actors Community Theater would present "Cards on the Table" as their next performance and needed volunteers. She asked for money to be added to the budget to fund these performances and described the need for approximately

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

\$8,000 for the year. Vice-Mayor Weiner offered \$2,500 from his individual account, Councilmember Cox offered \$1,000, Councilmember Paul gave \$500, Councilmember Clark offered \$500, and Mayor Venis gave \$500 toward this cause.

Dennis Andresky, Acting Parks and Recreation Director, announced that upcoming events included: March of Dimes Mah Jong Tournament (March 8th - 20th), Elvis Night (February 13th); and baseball player ratings (February 10th).

Bill Coyne and Jim Bunce, representing the Town's police and firefighters, thanked the candidates for talking with them. Mr. Bunce indicated that the unions had endorsed the following candidates: Dan Pignato - District 2; Vice-Mayor Weiner - District 3; and Councilmember Paul - District 4.

Mayor Venis advised that the intent of the resolution for the proposed HHH High School was to serve the children of both communities and was disappointed that this had become a political issue in the City of Weston. He indicated that Mayor Rosen knew of this intent and advised that this issue had been deferred for a year as boundaries were being decided. Mayor Venis recommended that Council adopt a resolution at the next meeting in support of no exclusive schools for any one municipality.

P. J. Grant, 13730 SW 24 Street, thanked Council for its participation in the boundary workshop and advised of the recent School Board vote regarding schools to open for the upcoming school years. She recommended that the Town clarify the wording of the resolutions and address an alternative to identifying students of Indian Ridge, as Boardmembers objected to the term "orphans." Ms. Grant recommended creating a school advisory committee.

Councilmember Paul recommended moving forward with items 8.7 and 8.8.

Vice-Mayor Weiner indicated that the Town was standing in support of all the communities in this endeavor.

Mayor Venis announced that item 10.7 had been requested to be tabled until March 7, 2001.

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

Mayor Venis advised that items 12.4 and 12.7 had been withdrawn by staff.

5. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS

TRANSIT SYSTEM. Mayor Venis stated that on January 26th, Council attended the dedication for the new transit system and advised that residents were very pleased with this service.

DAVIE UPDATE. Mayor Venis asked Mr. Willi about the recent problems with printing the Update. Mr. Willi indicated that the problems would be corrected soon.

WAYNE ARNOLD. Mayor Venis congratulated Mr. Arnold on being inducted as President of the Davie Merchant's Industrial Association for the third time. He regretted not being able to attend this induction.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

CANDIDATE'S NIGHT. Mayor Venis advised that he would be the debate monitor for this event being held on February 20th.

SOUND BARRIER WALLS. Mayor Venis advised that he had met with Mr. Willi and Rick Chesser from Florida Department of Transportation regarding the need for sound barrier walls in Ivanhoe. Mr. Chesser had advised that there was no money available for this but had offered an alternative of going through the Metropolitan Planning Organization.

DRAINAGE. Mayor Venis spoke about the meeting of the consortium regarding drainage and stated that it had approved the drainage study. He pointed out that the best recommendation was for the Central Broward Drainage Control District to raise monies to install a pumping station along the canal. Mayor Venis stated that a permit process for a five-year review was discussed to keep it up to standard.

SPEED HUMPS. Mayor Venis advised that the Town Engineer was addressing this issue for 41st Court.

CDBG FUNDS. Mayor Venis indicated that the Town was entitled to \$583,000 in grant funds.

COUNCILMEMBER CLARK

61ST AVENUE PARK. Councilmember Clark spoke about the history of this property and informed residents about the plan to use over \$300,000 for the development of this park. She asked that the acquisition of the 61st Avenue park be placed on the next agenda and added that she would like to hear what the Community Redevelopment Agency had to say. Councilmember Clark did not feel this item should be in the Capital Budget.

HILL AT POTTER PARK. Councilmember Clark asked that the hill at Potter Park, which had attracted truck and jeep recreation, be flattened as children played on that hill and could be hurt.

PAL. Councilmember Clark advised that the PAL was looking for basketball players to travel with the team.

DAN STALLONE. Councilmember Clark advised that she had sent Mr. Willi a recommendation for Mr. Stallone to be recognized as an outstanding employee. She felt that the area had improved because of he and his staff's efforts.

COUNCILMEMBER COX

CONDOLENCES. Councilmember Cox extended condolences to the Weiner family for their loss.

MPO MEETING. Councilmember Cox advised that the Department of Transportation was looking at creating an interchange access at three different sites along I-75. She hoped Mayor Venis would be adamant in his objections to this plan at the next MPO meeting.

BUS DEDICATION. Councilmember Cox congratulated staff for the creation of this service and the dedication event.

BIKE RALLY. Councilmember Cox spoke about this event and invited all to join, as they would see parts of Davie they had never seen.

VICE MAYOR WEINER

BIKE RALLY. Vice-Mayor Weiner indicated that he was looking forward to the rally.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

ETHICS CODE. Vice-Mayor Weiner advised that an ethics code was discussed a few meetings ago and he would like to discuss this at the next meeting.

RELAY FOR LIFE. Vice-Mayor Weiner felt that this event impacted everyone and he encouraged residents to support this worthy event.

COUNCILMEMBER PAUL

TOUGHMAN COMPETITION. Councilmember Paul indicated that she had attended the competition and had enjoyed it.

FARMLAND PROTECTION GRANT. Councilmember Paul had been working with the County in its efforts to stretch the \$400 million bond for purchase of development rights. She recommended moving ahead to make the Agrarian Committee a standing committee in the Town. Councilmember Paul felt that a board with an advisory capacity would be helpful in dealing with issues and asked that this be added to the March 7th agenda. Mayor Venis recommended a vote to create this as a formal committee.

Councilmember Paul made a motion, seconded by Councilmember Clark, to accept the Agrarian Committee as a standing advisory board. In a voice vote, all voted in favor. (Motion carried 5-0)

CASEY LEE. Councilmember Paul thanked Ms. Lee for her work and asked if she could attend the next canker workshop. Councilmember Paul asked if an intern could be assigned to assist Ms. Lee with Mr. Willi indicating that Ms. Lee would be attending the conference.

REFLECTOR STRIPS. Councilmember Paul thanked Public Works/Capital Projects Manager Bruce Bernard for the new reflector strips on the signs for speed humps and signs.

CONDOLENCES. Councilmember Paul offered her sympathies to the Weimer family.

WINGS OF GOLD. Councilmember Paul presented a vest to Mayor Venis making him an honorary member of the Wings of Gold.

MITIGATION WETLANDS. Councilmember Paul asked the Town to meet with Central Broward Drainage District and South Florida Water Management to discuss purchase of land for wetlands. She felt that this money would be returned to the Town and it would help with drainage problems. Councilmember Paul explained that this would set land aside and help with open space, and recommended that open space impact fees could be used, then funds would go back in as developers purchased it for mitigation. She asked that staff look at this.

BARK PARK. Councilmember Paul recommended that the Town partner with other communities to create a bark park for dogs and their owners in Vista View Park.

PRINCIPAL FOR A DAY. Councilmember Paul advised that Partners in Education along with University Hospital and the Town were sponsoring Principal for a Day on February 14th. She stated that she would be at Hawkes Bluff and Mayor Venis would be at Indian Ridge Middle School.

ANNEXATION. Councilmember Paul spoke about the annexation with Riverland Road and Lauderdale Isles and asked for a report on this as it seemed Davie was not included.

CROSSBOW HOMEOWNER'S ASSOCIATION. Councilmember Paul advised that she had attended the Association's meeting and would relay the residents' concerns.

WILDLIFE. Councilmember Paul thanked staff for their participation in preserving wildlife and providing ordinances for their protection.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

6. TOWN ADMINISTRATOR'S COMMENTS

REORGANIZATION. Mr. Willi advised that the reorganization of the Parks and Recreation Department was nearly complete. He stated that the parks maintenance function was being assumed by the Public Works Department.

DAVIE UPDATE. Mr. Willi advised that the deadline for Council to submit information was February 28th.

JOBPOSTINGS. Mr. Willi stated that an arrangement with Nova Southeastern University allowed for job announcements to be posted at the University.

SEMINOLE INDIAN VILLAGE. Mr. Willi advised that a letter was sent to Chief Billie and a meeting had been set to discuss provisions for fire, EMS and water supply for that facility.

TECHNOLOGY EVALUATION. Mr. Willi stated that Programs Manager Chris Kovanes and the Information Systems Department were evaluating the use of technology in the Town. He said that new proposals would soon be made for changes, which would include the accessibility of Town databases to residents.

PINE ISLAND RIDGE. Mr. Willi explained that conditions had to be met before a workshop meeting with residents was possible and advised that roadways that would be deeded to the Town had been assessed. He asked Council for permission to schedule this workshop and to set the timeline for annexation of Pine Island Ridge.

Vice-Mayor Weiner asked to hold off on the workshop until after the election.

GRANTS. Mr. Willi informed Council that staff was researching grants for redevelopment of commercial property. He advised that the Community Arts In Education Grant had been awarded for \$20,000.

VIDEO EQUIPMENT. Mr. Willi referred to the new system and advised that the use of this equipment would require practice.

PINE ISLAND POOL. Mr. Willi reported that the heaters were in operation with water temperatures of 82 degrees. He added that the pool and pool area had undergone cleaning and maintenance.

RISK ASSESSMENT. Mr. Willi indicated that the assessment was completed for the parks and recommendations were made for minor changes to reduce the liability.

Councilmember Paul asked if changes would be made to the web page. Mr. Willi explained the comprehensive plan.

Vice-Mayor Weiner spoke about the job postings at Nova Southeastern University and recommended a contest with college and high school students where computer science students could be used as interns. Mr. Willi indicated that as soon as students were trained in this area, they were hired to perform these services, making them unavailable.

Councilmember Cox spoke about the National League of Cities Conference discussion on web pages in general and the consensus was the demand to do it right if you were going to have a web page.

7. TOWN ATTORNEY'S COMMENTS

142ND AVENUE TRAIL. Mr. Connick advised that this case was heard and thanked the residents who were needed as factual witnesses in this case. He advised that the judge requested memoranda by February 16th.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

8. CONSENT AGENDA

Minutes

- 8.1 November 29, 2000 - Special Meeting
- 8.2 December 5, 2000 - Workshop Meeting
- 8.3 December 5, 2000 - Regular Meeting

Parade Permit

- 8.4 Hawkes Bluff Elementary School (February 15, 2001)
- 8.5 Davie/Cooper City Chamber of Commerce (February 24, 2001)

Home Occupational License

- 8.6 A Quality Home Service Corp., 4451 SW 102 Avenue

Resolutions

- 8.7 **SCHOOL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA REQUESTING THE BROWARD COUNTY SCHOOL BOARD TO PERMIT THOSE CHILDREN RESIDING WITHIN THE TOWN OF DAVIE COMMONLY REFERRED TO AS THE "ORPHAN CHILDREN" TO GO TO WESTERN HIGH SCHOOL.**

- 8.8 **SCHOOL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA REQUESTING THE BROWARD COUNTY SCHOOL BOARD TO PERMIT THE RESIDENTS OF THE HAWKES BLUFF COMMUNITY TO BE PERMITTED TO ATTEND HIGH SCHOOL HHH.**

- R-2001-22 8.9 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN VANISHING SPECIES WILDLIFE AND THE TOWN OF DAVIE. (\$1,000)**

- R-2001-23 8.10 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE CREATION OF THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION.**

- R-2001-24 8.11 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXECUTION OF THE THIRTEENTH YEAR RECYCLING GRANT AGREEMENT FROM BROWARD COUNTY. (\$9,037 grant award)**

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

- 8.12
R-2001-25 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
AUTHORIZING APPLICATION, APPROVAL, AND EXECUTION OF A
\$500,000 CHALLENGE GRANT FROM THE BROWARD COUNTY FLORIDA
SAFE PARKS AND LAND PRESERVATION PROGRAM FOR THE NEW
BOYS AND GIRLS CLUB FACILITY AT DRIFTWOOD PARK, WHICH
REQUIRES A \$125,000 CASH MATCH THAT WILL COME FROM THE FY
2000/01 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.**
- 8.13
R-2001-26 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING APPLICATION, APPROVAL AND EXECUTION FOR A
GRANT FROM BROWARD COUNTY FLORIDA SAFE PARKS AND LAND
PRESERVATION PROGRAM CHALLENGE GRANT FOR \$500,000 FOR THE
POTTER PARK GYMNASIUM WHICH REQUIRES A \$125,000 CASH
MATCH.**
- 8.14
R-2001-27 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING APPLICATION, APPROVAL AND EXECUTION FOR A
GRANT UNDER THE STATE OF FLORIDA DEPARTMENT OF EDUCATION
SUMMER FOOD SERVICE PROGRAM FOR CHILDREN. (\$9,000)**
- 8.15
R-2001-28 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
AUTHORIZING APPLICATION, APPROVAL AND EXECUTION FOR A
GRANT FROM BROWARD COUNTY FLORIDA FOR SWIM CENTRAL
CHALLENGE GRANT FOR SW 61ST AVENUE PARK FOR \$200,000.**
- 8.16
R-2001-29 **SPECIAL COUNSEL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
RATIFYING THE ENGAGEMENT OF HOLLAND & KNIGHT AS SPECIAL
COUNSEL TO THE DAVIE COMMUNITY REDEVELOPMENT AGENCY.
(\$22,500)**
- 8.17
R-2001-30 **FUNDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW
ENFORCEMENT TRUST FUND FOR DONATION TO THE BROWARD
COUNTY CRIME STOPPERS. (\$3,500)**
- 8.18
R-2001-31 **FUNDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND
TO PURCHASE SPECIALIZED EQUIPMENT FOR THE ADDITION OF THREE
PART TIME MOUNTED PATROL OFFICERS OF THE POLICE
DEPARTMENT. (\$35,000)**
- 8.19
R-2001-32 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
ACCEPTING THE BID TO PURCHASE ONE (1) "M" SERIES ZOLL EKG
MONITOR/DEFIBRILLATOR/PACERS FROM ZOLL MEDICAL
CORPORATION AS A SOLE SOURCE SUPPLIER. (\$18,052.25)**

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

- 8.20
R-2001-33 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR EMERGENCY MEDICAL SERVICES INTERNSHIP PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 8.21
R-2001-34 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH JENNMAR DIMENSIONAL CONCEPTS, INC. TO LEASE OFFICE SPACE AT 4700 SW 64 AVENUE. (\$1,458/monthly plus maintenance and operating costs)**
- 8.22
R-2001-35 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE ACTION OF THE DAVIE COMMUNITY REDEVELOPMENT AGENCY TO ENTER INTO AN AGREEMENT WITH JENNMAR DIMENSIONAL CONCEPTS, INC. TO LEASE OFFICE SPACE AT 4700 SW 64 AVENUE. (\$525/monthly plus maintenance and operating costs)**
- 8.23 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND SOUTH POST INCORPORATED; PROVIDING FOR THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN PROGRESS RELATED TO THE SOUTH POST PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. (DA 1-1-01, 4200 Shotgun Road)**
- 8.24
R-2001-36 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LIMITED AGENCY AGREEMENT BETWEEN THE TOWN OF DAVIE AND FLOOD MITIGATION ASSISTANCE PROJECT PARTICIPANT, MR. BARRY POKRIFCSAK.**
- 8.25 **TRAFFICWAYS PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING STAFF TO TRANSMIT TRAFFICWAYS PLAN AMENDMENT APPLICATION TA-01-1 TO THE BROWARD COUNTY PLANNING COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE. (TA-01-1, Orange Drive from Davie Road to SW 36 Street)**
- 8.26
R-2001-37 **CONCEPTUAL PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE CONCEPTUAL PLAN FOR DEVELOPMENT OF THE "HARMONY VILLAGE COMMUNITY" IN THE SOUTHERN CDBG TARGET AREA A/K/A DRIFTWOOD; AND, AUTHORIZING THE TOWN ADMINISTRATOR AND THE HOUSING AND COMMUNITY DEVELOPMENT DIRECTOR TO PROCEED WITH ALL NECESSARY AND APPROPRIATE ACTIONS TO IMPLEMENT THE PLAN. (\$300,000 in SHIP grant funds and \$300,000 in CDBG grant funds)**

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

8.27 CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING THE CLASS SPECIFICATION FOR THE INFORMATION SYSTEMS DIRECTOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.
R-2001-38

8.28 TRAIL SYSTEM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE TOWN OF SOUTHWEST RANCHES REQUEST OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS FOR FUNDS TO CONSTRUCT AN EQUESTRIAN TRAIL SYSTEM AND LINKING SAID TRAIL SYSTEM TO THE NETWORK OF EQUESTRIAN TRAILS WITHIN THE TOWN OF DAVIE.
R-2001-39

8.29 BOARD - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA REPEALING RESOLUTION R-2000-17 CONCERNING THE DAVIE WATER ADVISORY BOARD; ESTABLISHING A NEW DAVIE WATER AND ENVIRONMENTAL ADVISORY BOARD; PROVIDING FOR MEMBERSHIP OF THE BOARD; PROVIDING FOR TERMS OF OFFICE FOR ITS MEMBERS; PROVIDING FOR FUNCTIONS AND DUTIES OF THE BOARD; AND PROVIDING AN EFFECTIVE DATE.
R-2001-40

8.30 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN AND TOWN ADMINISTRATOR THOMAS J. WILLI; AND PROVIDING AN EFFECTIVE DATE.
R-2001-41

Site Plan

8.31 SP 10-2-00, FL. 2653 Hawks Bluff, 4801 SW 148 Avenue (PUD) Planning and Zoning Division approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report; that the pole was designated to be 100 feet tall; and that the United States flag was to be proportionate to the pole.

Mayor Venis asked that items 8.23 and 8.29 be removed from the Consent Agenda. Councilmember Paul asked that items 8.7, 8.8, 8.25 and 8.30 be removed.

Councilmember Clark made a motion, seconded by Vice-Mayor Weiner, to approve the Consent Agenda without items 8.7, 8.8, 8.23, 8.25, 8.29 and 8.30. In a voice vote, all voted in favor. (Motion carried 5-0)

8.23 Mayor Venis advised that this item would be heard after item 10.5.

8.7 and 8.8 Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to table these items until that time wording can be addressed and languages change made. In a voice vote, all voted in favor. (Motion carried 5-0)

8.25 Councilmember Paul advised that she was in favor of removing this from the trafficways but recommended having two resolutions, one for Orange Drive and one for

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

Shotgun Road. Her other concern was the need for ordinance language in relation to setbacks. She recommended tabling this until language and two resolutions could be developed.

Vice-Mayor Weiner asked if Councilmember Cox had any concerns about taking this off the right-of-ways. Councilmember Paul felt there was a need for this and asked if this right-of-way remained when taken off trafficway. Councilmember Cox stated that the northwest corner of Orange and University Drives, the northwest corner of Pine Island Road and Orange Drive, and the northeast corner of Orange Drive and Flamingo Road had properties which were zoned commercial. She advised that if these were taken off the trafficways, owners did not have to dedicate the 80 feet for Orange Drive and could build within 25 feet of the right-of-way. Councilmember Cox did not feel that Orange Drive would come into a four-lane situation and added that the Department of Transportation agreed.

Mayor Venis agreed it was right to table this until these questions could be answered.

Development Services Director Mark Kutney advised that when a municipality initiated an amendment to the trafficways, conditions and other impacts were fully studied. He felt a second resolution would be premature, as this would be accomplished as a result of this research.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to table until March 21, 2001. In a voice vote, all voted in favor. (Motion carried 5-0)

8.29 Mayor Venis asked that appointments to the Board be placed on the next agenda.

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

8.30 Councilmember Paul spoke about the severance package and referred to Section 3A. She recommended tying in severance with job performance, adding that this was not a reflection on Mr. Willi's performance. Councilmember Paul suggested three months with a month additional for "so much time", or six months with some additional for the amount of time served. In Section 3B, she felt that this could suffice at 60 days notice by the Town. In Section 3C, Councilmember Paul recommended that, in case there was a reassignment, there needed to only be one month severance. In regard to Section 14, she felt that a reimbursement for tuition and books was a great idea, but the reimbursement did not need to be a flat 100%, but should be based on grades or other criteria.

Councilmember Cox felt that Mr. Willi was underqualified and overpaid. She added that the Town should pay for his education to meet the minimum qualifications and did not see the objection. Councilmember Cox stated that she would not support the contract. Councilmember Paul indicated that she did not have an objection to paying for an education but felt it should be on a sliding scale.

Mr. Willi reported that he had reviewed salaries for other city managers throughout Broward County and found that the minimum severance package was one year's pay and one additional month for each year of service. Instead of asking for a 12-month package, he had recommended a 9-month package with a notification period. Mr. Willi indicated that Section 14 was discussed as an educational incentive and worth more than a larger salary.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

Vice-Mayor Weiner referred to the 90-day notification period and stated that the shorter time proposed was because Council would not want to keep someone it was not happy with for an extended period of time. He added that the idea to provide a 6-month severance package and an additional month for each third of a year for the first year, which in Mr. Willi's case, would result in a year's severance pay was more than Mr. Willi had asked for at this point. Vice-Mayor Weiner agreed with providing for Mr. Willi's education.

Mayor Venis was satisfied with Mr. Willi's job performance and pointed out that the Town did have a trial period with him without a contract. Councilmember Clark pointed out that Mr. Willi had left his other employment to come to this position. She added that providing a lesser salary than he was accustomed to would be unfair and she was comfortable with his contract.

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

9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held on February 21, 2001)

9.1 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD AND UTILITY EASEMENT WITHIN A PORTION OF THE NORTH ONE-HALF OF TRACT 19 IN SECTION 34, TOWNSHIP 50 SOUTH, RANGE 41 EAST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 5-2-00, Utset/Epstein and Peterson, 6703 SW 59 Street)**

Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on February 21, 2001.

Mr. Connick explained the ordinance and advised that the better way to accomplish this would be in one ordinance. He read from a sample document and pointed out that this would make sure that when the Town was vacating something and expecting something back there was no question concerning the interrelationship of the two. This was a long-standing policy, but Mr. Connick suggested this as an improvement. Vice-Mayor Weiner agreed but asked Mr. Connick if this procedure was defensible. Mr. Connick suggested a hypothetical situation, which would offer no exposure to the Town and added that the Town could keep this present policy.

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

10.5 Mayor Venis announced that this item would be taken out of order.

Mr. Connick explained the rules concerning the presentation of evidence. Mr. Kutney advised that based upon comments by Council and residents, Mr. Zimmerman had planned to do research and look into options relating to this property.

Mr. Zimmerman advised that a meeting was held with the homeowners abutting the property represented. He indicated that the site plan was reviewed and buffering between

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

properties was discussed. Mr. Zimmerman suggested that an additional ten feet could be added to the existing horse trail and in certain areas, a series of islands could be created in the mitigation and lake area. He indicated that the issue with the residents seemed to be the buffer, which the proposed plan would accommodate. Mr. Zimmerman advised that he held an additional meeting, which was attended by only one resident.

Mayor Venis felt that residents had a desire for a canal comparable to what was on the east side of Imagination Farms and pointed out that each of these was a water front lot. He added that the Drainage District had provided a letter and a survey advising that there was a 60-foot canal right-of-way, which was encroaching on the lots.

Mr. Kutney explained the letter received by Mike Crowley, concluding that the amendments to the site plan would result with changes to the plat as well.

Vice-Mayor Weiner read the letter dated December 16, 1999 submitted to staff showing the road right-of-way. Mr. Connick suggested accepting the letter from Mr. Crowley and the survey as exhibits. Mayor Venis agreed.

Discussion ensued regarding the right-of-way, easement totals and the conceptual site plan.

Councilmember Clark felt that there were several steps that had to be followed and Mr. Zimmerman would have to address each easement. She added that his request was for the rezoning under the agreement.

Vice-Mayor Weiner advised that the most authority the Council had in regard to this development occurred at the time of rezoning. The ability to limit the flexibility at the time of site plan was lesser than it was now. Council had the right to review and approve the conceptual plan and if there were problems, it was important to know what impact they would have on the overall development of this project. Vice-Mayor Weiner recommended that Council hold off on this until the Drainage District looked at this issue.

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

Jose Pugols, 4076 SW 132 Avenue, read a March 1996 amendment to the rezoning and suggested that any attempt to rezone this property could be illegal according to this amendment. He read case findings regarding repeal of ordinances and zoning regulations recommending that Council look into this issue.

Lynn DeLorenzo, 1200 South Pine Island Road and a member of the Davie Economic Development Council, recommended rezoning this property. She felt that this development represented the largest revenue builder for the Town. Ms. DeLorenzo would like to see the rezoning approved because the Town had chosen to ignore the impact analysis study from June 1997, which showed the need for a business center and an employment center for residents, which would have positive affects on the Town.

Mike Bender, 14800 SW 31 Court, denounced the 1996 impact study as bogus. He indicated that questions were always raised with this development and this developer. Mr. Bender cautioned Council not to rush judgment and referred to the buffer on the east side of Imagination Farms, which was larger than what Mr. Zimmerman was proposing for this site. He indicated that residents were complaining now and what was proposed was not adequate.

Dan Pignato, 6920 SW 56 Court, was opposed to the rezoning until it could be looked into, adding that to put this development next to Imagination Farms would degrade their property and its value. He recommended that the item be tabled.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

Carlos Lopez, 13960 SW 40 Street, felt that before a decision was made, the legality of such an action should be investigated. He suggested allowing Mr. Zimmerman to come back with options if he could get the canal right-of-way vacated. Mr. Lopez hoped that the privacy of the Imagination Farms residents was taken into consideration.

Dan Barr, 13323 SW 40 Street, understood that the Town Attorney's opinion concurred. He suggested that Council get on with the zoning and deal with the other issues at site plan and the other processes.

Raul Bosque, 14801 SW 31 Court, disagreed with Mr. Barr and felt that the questions needed to be addressed before Council makes a decision.

Mayor Venis closed public hearing.

Mr. Kutney stated that staff found out from Mr. Crowley that the right-of-way was still evident and he indicated that staff would have to trace the issue by looking at the plat and survey. He advised that staff would get this resolved at site plan and advised Council to examine its comfort level to decide on whether or not to pass on the rezoning.

Mr. Connick clarified that the Town Attorney's Office gave an opinion about the agreement to grant the E zoning, but on the issues raised by Mr. Crowley, Council was entirely within its right to make these determinations. Mayor Venis read the letter from Mr. Crowley and stated that the conceptual site plan may change if there was no vacation of the right-of-way.

Mr. Zimmerman indicated that he did not handle the vacations, but there may be one in process. He submitted a copy of the site plan that was attached to the settlement agreement and added that conceptual plans were just conceptual. Mr. Zimmerman stated that the lot sizes for Imaginations Farms West was the same size as the east site and insisted that the right-of-way issue was not a zoning issue.

Councilmember Paul stated that she had met with Mr. Zimmerman and he had showed her the plan that he would be presenting. The final plan did not address all of the issues and referred to the November 1, 2000 Council meeting minutes which indicated a wider trail and a 100-foot wide wetlands landscape buffer. The plan seemed to indicate a buffer of 90 to 140 feet and Councilmember Paul felt the width of a buffer was important. She indicated that her concerns were with the canals and the 7.3 acres that the District would not vacate, as well as the information brought to Council by one of the residents on similar cases. Councilmember Paul stated that she would like to see a new conceptual site plan.

Councilmember Cox felt that the residents must be satisfied or they would have attended the meeting with Mr. Zimmerman. Mayor Venis advised that he thought that the meeting was canceled.

Vice-Mayor Weiner asked if there was some way to get the additional buffer on the north side and take care of the drainage on the canal easement. Mr. Zimmerman indicated that he could not add on the east side as he felt that the lots would disappear. He added that the site plan process would create the changes needed.

Mayor Venis stated that to increase the buffer, the other lot sizes would not be in conformance with the settlement agreement. Mr. Zimmerman stated that there was the issue of the size of the lots and the issue of the drainage. He referred to the issue of the right-of-way and did not know of a case where this had been dealt with at the time of zoning. Vice-Mayor Weiner suggested that the Central Broward Drainage District might require the entire eastern portion to be reconfigured which may reduce the amount needed

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

in between lots. He felt that it would be best to know what would be required. Mr. Connick agreed that there were substantive unanswered questions, which could affect the lot size.

Councilmember Clark asked Mr. Zimmerman to guarantee if there was a change that buffering would not be reduced anywhere. Mr. Zimmerman advised that he could not take that away and this should be reserved for site plan determination.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to table to February 21, 2001 to get a determination about the drainage issues, to get a clearer picture and until Council was more comfortable with how this would affect the conceptual site plan, with information from staff in conjunction with Mr. Crowley from the Drainage District. 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)

- 9.2 **PENSION AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE POLICE PENSION PLAN TO PROVIDE FOR A COST OF LIVING ADJUSTMENT; PROVIDING FOR A NORMAL RETIREMENT DATE FOR MEMBERS WHO HAVE COMPLETED FIFTEEN YEARS OF SERVICE ON THE ANNIVERSARY OF THE DATE THE MEMBER WOULD HAVE COMPLETED TWENTY YEARS OF SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.**

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.

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 - out of room; Councilmember Clark - yes; Councilmember Paul - yes. (Motion carried 4-0)

10. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

- 2001-11 10.1 **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.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

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

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

8.23 Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to table concurrent with the discussion on item 10.5. In a voice vote, with Councilmember Cox being out of the room, all voted in favor. (Motion carried 4-0)

10.2 **VACATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
2001-12 **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 asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

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

10.3 **CAPITAL PROJECTS - AN ORDINANCE OF THE TOWN OF DAVIE,**
2001-13 **FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR**
THE TOWN OF DAVIE FOR FISCAL YEARS 2001-2006.

Mayor Venis indicated that Budget and Finance Director Christopher Wallace had requested that the motion include the amended document that had been distributed.

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 42 Avenue, spoke about the proposed Town Hall and suggested various alternatives to building a new facility. He felt \$12.7 million was too much money and was not just a precaution as Mr. Willi had indicated to provide for a worse case scenario should one need to be built. Mr. Truex felt that the \$275,000 for the 61st Avenue Park needed to stay in the budget as it would provide a better chance of being able to buy the adjacent property. He felt it was better to purchase the land and take a long-term view even if the present park space could not be developed at this time. Mr. Truex added that many funding sources were identified in the budget, but there were several areas where no funding was specified. He felt that the public needed to ask candidates about their plans for this funding.

Mayor Venis closed public hearing.

Mayor Venis spoke in regard to the Town Hall funding and felt that it was important for voters to have the opportunity to vote on items which would be a big expense to the Town. These referendum items historically had been passed by a wide margin and asked Mr. Wallace to explain how some of these items would be financed. Mr. Wallace stated that

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

once a long-term project had been approved, the best way to finance this was debt. He indicated that borrowing was cheaper than using your own money and some projects would have grants or matching grants. Mayor Venis advised, and Mr. Wallace agreed, that the goal was a constant millage rate. He added that funding \$13 million would be in keeping with this and not impose a burden.

Councilmember Clark felt that residents wanted a park to play in now, not the promise of a park in two more years. She did not want to see projects put off and felt that the responsible action would be to develop the present site. Councilmember Cox disagreed with this idea in that the purchase of the adjacent property did not hold up the development of the current site. She advised that the money from the bond issue was available and Mr. Willi had been directed to proceed with the construction. Councilmember Cox advised that leaving money in the capital budget for the purchase of property would not interfere with the present park. She stated that the \$2 million for the gym at Potter Park had not been taken out of the capital budget. The park at Potter Park existed, so the priority had been to develop a park at 61st Avenue which did not exist. Councilmember Cox felt that not banking this land would be short cited.

Mayor Venis spoke about the different parks and available funds designated for east and west and determined, with Mr. Willi's agreement, that the completion of 61st Avenue would be funded by additional debt. He asked how much additional land would be banked. Councilmember Cox pointed out that the east side had intense density and a limited amount of land available. She felt that CDBG or Community Redevelopment Agency funds could be used. Vice-Mayor Weiner advised that the price should not be set by the Town's available funds, as the amount per acre may be overpriced. Councilmember Cox had a concern that this property could be put on the open market and if it was not included in the capital budget, there was no commitment to purchase it.

Councilmember Cox referred to line #140, the land acquisition for the private zoo needed to be taken out if the \$275,000 was taken out because she could not justify "ditching" the children for a zoo.

Councilmember Clark made a motion to approve with the amendments as directed by Mr. Wallace.

Vice-Mayor Weiner asked Councilmember Clark if she would be amenable to adding a line entitled "land acquisition - recreation" and include a dollar amount, spread out over 2002-2003. Councilmember Clark responded that this was more realistic. Councilmember Cox stated that she was adamant about purchasing the site adjacent to 61st Avenue and would prefer to have it in the budget as a line item, adding that it was important to have the commitment. Vice-Mayor Weiner recommended reinserting line #75 at \$125,000 for 2002 and \$125,000 for 2003.

Councilmember Clark amended her motion, seconded by Vice-Mayor Weiner, to accept the Capital Projects budget with the amendments as stated by Mr. Wallace and with the amendment of readding item #75 land acquisition for FY 2002 - \$125,000 and FY 2003 - \$125,000. 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)

11.1 Mayor Venis indicated that this item would be taken out of order.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

Mayor Venis advised that the purchase price of this property was \$750,000, and he was in favor of the purchase. He stated that Council had met with residents who would like the Town to purchase the property. Mayor Venis pointed out that the Town had outgrown the facilities and felt that it was time to expand the facility and the parking. He recommended funds come from a bond issue, from funds allocated for the west or from a County bond issue.

Mr. Casey, representing the Kohler House Trust, explained that a contract was entered into to sell the property but the purchaser had withdrawn his application and the property was not committed at this time; however, there were two or three other potential buyers.

Vice-Mayor Weiner stated that this property had been identified by the Parks and Recreation Board and he was in favor of purchasing the property out of the Parks and Recreation bond.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to direct Mr. Willi to obtain appraisals and negotiate a contract. 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

10.4 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) (tabled from January 17, 2001) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval.

Mayor Venis swore in the witnesses.

Gus Aguirre, representing the petitioner, was present.

Planning and Zoning Manager Jeff Katims summarized the planning report

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the issue. No one spoke.

Mr. Aguirre agreed that this action was requested by Town staff and the owner agreed to proceed with the rezoning.

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

10.5 REZONING - ZB 11-2-00, H.J. Zimmerman & Assoc., Inc./South Post, Inc., 4200 Shotgun Road (from A-1 to E) (tabled from January 17, 2001) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended denial.

This item was heard earlier in the meeting.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

- 10.6 **VARIANCE** - V 10-1-00, Stirling Place, Inc., 6851 Stirling Road (B-1 and B-2) (to exceed the maximum flag pole height of 43.75 feet by 36.25 feet for a total height of 80 feet) (tabled from January 3, 2001) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to affirmative covenant running with the land for the flag to always be in pristine condition and that the flag will be an American flag.*

Mayor Venis explained that this item had been tabled and the petitioner had been directed to take photographs from different angles in the neighborhood to indicate how the flag and pole would impact residents.

Mr. Kutney advised that staff recommended that this be tabled, as they had not been able to view the pictures. He indicated that tonight would be the first time staff had seen what was presented and they would like to review it to make a recommendation.

Mr. Connick explained the rules concerning the presentation of evidence.

Councilmember Clark was comfortable with seeing the presentation, but not with tabling this item.

Michael Janoura, representing the petitioner, stated that he had also not seen the pictures until tonight's meeting. Mr. Kutney felt that Council could hear this petition and view the information, but advised that staff was not in a position to give meaningful comments.

Vice-Mayor Weiner recommended hearing the residents and then deciding if Council had enough information to make a determination.

Mr. Janoura displayed the site plan and distributed the pictures. He pointed out that the electrical poles were roughly the same height as the flagpole.

Vice-Mayor Weiner asked about the expected maturity of the trees. Robert Legg, also representing the petitioner, advised it was five years. He explained the angles of the various photos and the superimposed rendering of the trees.

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

Lowell Goode, 6951 SW 58 Court, was opposed to the request and reminded all that this began as a mistake. He advised that he could hear the flag on the tower from 81st Avenue and added that an 80-foot flagpole was never mentioned at any of the meetings with residents.

Clara Haydari, 571 SW 178 Way, advised that she would be a business owner in this center and was impressed by the rendering showing a tall flag. She felt that 80 feet was proportionate for the center.

Habib Haydari, 571 SW 178 Way, spoke in favor of the flagpole. He advised that when he became a citizen, the American flag became very important to him and he felt that the flag was beautiful.

Dan Pignato, 6920 SW 56 Court, pointed out that the Town had originally approved the request. He indicated that he had spoken to the area residents and the local church and no one had a problem with the plan, which clearly showed the flag. Mr. Pignato spoke in support of the center and on behalf of the petitioner who did what staff had asked throughout the process.

Bill Bullard, 6801 SW 59 Court, was opposed to the request and submitted letters from two neighbors, Adolph Temple and Linda Horse, who were also opposed.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

Bruce Novak, 4262 SW 78 Drive, spoke on behalf of his wife who was from Cuba and was in support of the flag as it was important to her.

Mr. Nestor, 5935 University Drive, spoke in support of the flag. He advised that he had been near a large American flag for ten years and the sound was not a problem. Mr. Nestor stated that customers in his business comment positively on the flag.

Terri Evans, 6775 SW 59 Court, was opposed to the request as she felt that it was too high. She indicated that the flag was huge and would be very visible from her property.

Mayor Venis closed public hearing.

Vice-Mayor Weiner read from the Davie Merchants and Industrial Association newsletter regarding comments that he had made about the flag which would not have anything to do with the application. He indicated that it was "high time" for a diversity panel and said that "this" had turned ugly for some people.

Councilmember Paul disagreed with the projected five year maturity of the trees, suggesting it was beyond five years. She indicated that she had visited the site and was surprised to see the mitigation site and the work that was being done on it. Councilmember Paul felt that it would be a long time before the view was buffered for local residents and was opposed on this basis.

Mr. Janoura indicated that many of the trees had lost their leaves and when they filled in, they were already tall enough to obstruct the view. Councilmember Paul felt that the residents would have a clear view.

Dan Duncan explained the sight line, the height of the buildings and the representation of a 25-foot tree, indicating that some of the trees were currently 20 feet. .

Councilmember Cox reminded all that the Site Plan Committee was not okay with the size of the flagpole. Councilmember Clark felt that it was important to remember that this was approved initially and the petitioner did go forward at his expense. She indicated that she did not disapprove of the request.

Councilmember Cox 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)

Mayor Venis closed the public hearing portion of the meeting.

Item to be tabled

10.7 **DUE TO THE PLANNING AND ZONING BOARD MEETING BEING CANCELED, THIS ITEM WILL NEED TO BE TABLED TO FEBRUARY 21, 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.

11. OLD BUSINESS

11.1 Purchase of Ivanhoe Park Site

This item was discussed earlier in the meeting.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

11.2 Deannexation of Central Broward Drainage District Property

Mr. Willi submitted a letter from John Canada, Town Manager of Southwest Ranches, stating that their plans for the property only included a temporary meeting facility and office in a modular building. He indicated that Southwest Ranches could not support any restrictive language that would limit what the Drainage District could do in the future with this property. Mr. Willi reported that the Delegation supported the deannexation and annexation into Southwest Ranches and was waiting for a resolution from the Town. He asked Council for direction on what concerns needed to be addressed.

Mayor Venis advised that he had spoken to the President of the Stirling Lakes Homeowner's Association who indicated that Southwest Ranches had not met with the residents. He felt that residents who lived behind the property were concerned that if the Drainage District wanted to move their facility, and the property was deannexed to Southwest Ranches, a permanent facility could be built on that location.

Councilmember Cox stated that the residents were concerned with what could be built on the property and recommended that Mr. Canada meet with residents. Mayor Venis explained that the residents just wanted assurances and safeguards in place that something objectionable would not be built on the property. Their concern was that once the Town gave up the land, it gave up control. Vice-Mayor Weiner indicated that the residents did not want a permanent government facility on this property.

Mayor Venis indicated that a meeting needed to be held before Council took action.

Councilmember Paul suggested that if the facility was only going to be temporary, the property be deannexed and then reannexed.

12. NEW BUSINESS

12.1 Funding of Community Theater Group

This item was discussed earlier in the meeting.

12.2 Purchase of 30th Street Pocket Park

Mr. Bernard advised that this property was 2+ acres with buildings, stables and a lake. He indicated that the asking price was \$415,000 and the structures would have to be removed if the Town wanted a passive park.

Councilmember Paul indicated that she liked the idea of pocket parks but would like to see the price negotiated. She added that of all the responses she had received, there were only two negative responses.

Bruce Reese, 8201 SW 30 Street, agreed that there was overwhelming support from the neighbors. He indicated that the lake was man made, was less than six feet deep and was not needed for drainage. Mr. Reese advised that he was firm on the price as the property was appraised at \$385,000 three years ago.

No objections were noted for Mr. Willi to look into the issue.

12.3 Urban Design Consultants

This item was deferred.

12.4 Fire Chief's Contract

This item was deferred.

**TOWN COUNCIL MINUTES
FEBRUARY 7, 2001**

12.5 Direction for Youth Advisory Board (Councilmember Paul)
This item was deferred.

12.6 Scoreboard Sponsorships (Cheryl Dolin and Herb Hyman)

Procurement Manager Herb Hyman reported that Pepsi and Coke were offering to donate scoreboards, with the agreement that only their products would be sold at the parks. He indicated that several contracts would be affected by this proposal and advised that scoreboards were \$2,500 to \$3,000 each. Mr. Bernard indicated that five scoreboards were needed.

Vice-Mayor Weiner questioned the idea to mix and match the products at the parks. Mr. Bernard replied that he did not know if the arrangement would be exclusive.

Mayor Venis suggested that Mr. Hyman meet with both companies and report back to Council. Mr. Hyman indicated that the concession contract would be coming up for renewal and the verbiage would need to be added.

12.7 Rescheduling of February 21, 2001 Council Meeting to February 22, 2001
This item was withdrawn.

13. ADJOURNMENT.

There being no objections or further business, the meeting was adjourned at 1:10 a.m.

APPROVED _____

Mayor/Councilmember.

Town Clerk