

**TOWN COUNCIL  
REGULAR MEETING  
MARCH 21, 2001**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:35 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 Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. INVOCATION**

Father O'Reilly gave the invocation.

**4. CERTIFICATION OF RESULTS - March 13, 2001 Election**

Town Clerk Muniz read the results of the election (attached and made a part of these minutes).

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve the election results. 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)

**5. OUTGOING COUNCILMEMBERS' MESSAGE**

Councilmember Cox congratulated the voters for making wise choices and thanked them for giving her the opportunity to serve. She spoke about the direction Davie seemed to be going 15 years ago and added that she hoped her serving had helped the Town retain its history and remain unique. Councilmember Cox spoke about the creation of the Open Space Program and its importance to the Town, establishing the Community Redevelopment Agency, and the restoration of the Old Davie School. During her years in office, she was instrumental in establishing the new police and fire station, passed a \$12 million bond issue for park improvements throughout Davie. Councilmember Cox was hopeful that the Council would provide the recreational facilities on the east side of Town that she worked to initiate. She stated that EMS and police and fire service have been improved. Councilmember Cox spoke about the differences she'd had with the firefighter's union leadership, adding that their differences were never about whether or not Davie should have its own service, but how it would be implemented and to what expense. She stated that it had always been a concern of hers to keep taxes as low as possible for residents and hoped that Council would also be mindful of this need. Councilmember Cox spoke about the lack of decorum in Council meetings and called on residents to work together to restore civility to these meetings. She asked that Mr. Willi hire women in management roles. Councilmember Cox stated that after 15 years of political service, it was time to give someone else a turn at this job and wished her colleagues and the new Councilmembers the best, complimenting the time and hard work they had given on behalf of the Town.

Vice-Mayor Weiner congratulated Mr. Truex and Mrs. Starkey on their victories. He spoke about the dramatic changes seen in Davie over the past years and felt sure that Council would protect the Town's best interests. Vice-Mayor Weiner thanked Councilmember Paul for proposing the supermajority for land use amendment and felt sure that Mayor Venis would work to resolve the Sunrise water issue. He commended Councilmember Clark for the work she had done in District 1 and thanked Councilmember

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Cox for her service to the Town. Vice-Mayor Weiner spoke of the importance of a Townwide water system, resolving drainage problems, controlling development and obtaining School Board approval for appropriate feeder patterns. He thanked the police, fire and EMS services and all who had been friends and showed a willingness to debate issues to find the best solutions for Davie. Vice-Mayor Weiner cautioned the new Councilmembers to be true to their own ideals and not be swayed by lobbyists, developers, special interest groups or the media. He thanked his family and the residents.

Mayor Venis presented Councilmember Cox and Vice-Mayor Weiner each with a plaque in recognition of their years of service as Councilmembers of the Town.

**6. OATH OF OFFICE**

Judge Berman swore in Mr. Truex. Broward County Commissioner Jim Scott swore in Ms. Starkey. Councilmember Paul was sworn in by Judge Cohen.

**7. SELECTION OF VICE-MAYOR**

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

**INTERMISSION**

Mayor Venis recessed the meeting at 8:05 p.m. and reconvened the meeting at 8:20 p.m.

**8. PRESENTATIONS**

**8.1 Broward County Commissioner Jim Scott**

Commissioner Scott congratulated all Councilmembers and stated that Davie was a substantial part of his district. He advised that he had opened a district office at the corner of University and Broward Boulevard and he was ready and willing to help Councilmembers and Davie residents.

Councilmember Truex spoke in support of Commissioner Scott, noting his history in the Senate and was looking forward to working with him.

**8.2 SwimAmerica, Inc.**

SwimAmerica members thanked Council for repairing the heaters in the pool and presented the Council with a plaque and certificates of appreciation. Jackie Rodriguez advised of the new swim teams and programs.

**8.3 Pine Island Park Update**

Public Works/Capital Projects Manager Bruce Bernard spoke on the progress at Pine Island Park, advising that the building design portion of the plan was 95% complete. He advised that the water restrictions could impact the ballfields and the gymnasium was on budget, on schedule and was 15% complete. Mr. Bernard stated that the right hand turn lane being added was a four-month project and would coincide with the opening of the gym. Mr. Bernard stated that the water playground would be out for bid in the next two weeks and would be built after the summer programs. He asked Council to decide on one

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name for the park facility, rather than several separate areas with different names, so signage could be prepared. Mayor Venis asked that this be added to the next agenda for discussion.

**8.4 Upcoming Special Events - Dennis Andresky and Bonnie Stafiej**

Dennis Andresky, Parks and Recreation Director, announced that upcoming events included: daycares at several locations and the Extreme Teen Program. He stated that applications would be available on April 9th and advised of fees for each program. Mr. Andresky added that there were job openings for program supervisors, activity leaders counselors, and lifeguards; and Bronco football and cheerleading registration for boys and girls (March 26th).

Bonnie Stafiej, Special Projects Director, advised that upcoming events included: Waterway Clean-Up (March 24th); 5-Star Rodeo (March 24th); youth talapia fishing (March 24th, May 5th, and June 23rd); Project Stable Charity Show (March 25th); 21st Annual Spring Egg Hunt and Child Safety Day (April 14th); and Take a Kid Fishing Day (May 5th).

Mayor Venis announced that item 14.10 had been withdrawn by staff.

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

Mayor Venis announced that item 14.11 had been requested to be tabled until April 4, 2001.

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

**9. MAYOR/COUNCILMEMBER'S COMMENTS  
COUNCILMEMBER CLARK**

**DANGEROUS TRAFFIC.** Councilmember Clark advised that there were dangerous roadway situations on Davie Road at Orange Drive as the painting of the lines were haphazard. She added that on Griffin and Davie Roads, there was no time to make a left hand turn during rush hour.

**THANK YOU.** Councilmember Clark thanked the Carlisle Group for taking care of the torn up swale from a piece of equipment on a resident's property at 61st Avenue. She also thanked staff for trimming the tree that was blocking the view at the Turnpike and Griffin Road exit.

**CONGRATULATIONS.** Councilmember Clark congratulated the PAL boxer, Cisco Palacio, on winning the bronze medal in the heavyweight division at the USA Championships. She added that this win qualified him to participate in the United States challenge.

**YOUTH ADVISORY COMMITTEE.** Councilmember Clark advised that she had attended a meeting and felt that the kids needed more counsel and input. As the Committees' terms would be expiring, the Committee had suggested that Councilmembers invite prospective appointments to the April meeting. The Committee asked that the Parks and Recreation Department look into building a skate park.

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**EASTSIDE POT LUCK DINNER AND FAMILY GATHERING.** Councilmember Clark advised that this event was held the third Thursday of every month and she enjoyed attending.

**COUNCILMEMBER TRUEX**

**THANK YOU.** Councilmember Truex thanked former Councilmembers Cox and Weiner for offering to be available for him to call upon for support.

**DEBATES.** Councilmember Truex advised that he considered tonight a new start and apologized for those he had been critical of. He spoke about recent disagreements and felt that the Town needed to work together.

**THANK YOU.** Councilmember Truex thanked staff for their help in his transition to Council and bringing him up to speed on issues.

**SINGLEMEMBERDISTRICTS.** Councilmember Truex advised that he supported this issue from its inception and believed it would have positive results for the Town. He also believed that this would enable him to devote much more time to his own district. Councilmember Truex asked Mr. Willi to contact homeowner groups to schedule meetings.

**ZONINGCATEGORIES.** Councilmember Truex stated that the zoning categories needed to be scrutinized and addressed by Council.

**BOARD APPOINTMENTS.** Councilmember Truex advised that he would make a special effort to appoint those who had not previously been involved which would improve diversity on the boards.

**COUNCILMEMBER STARKEY**

**THANK YOU.** Councilmember Starkey thanked the residents for electing her.

**CONGRATULATIONS.** Councilmember Starkey congratulated Vice-Mayor Paul and Councilmember Truex on their victories and looked forward to working with them.

**THANK YOU.** Councilmember Starkey thanked Mr. Weiner and wished him well and also thanked Ms. Cox for her devotion to the Town and the legacy that she left. She thanked Kitty Presseosi, her friends, neighbors, their children and her family for all they had done during her campaign.

**GOAL SETTING.** Councilmember Starkey spoke about the importance of a goal-setting session in order for Council to discover its common goals.

**MANAGEMENT EFFICIENCY STUDY.** Councilmember Starkey felt that this was urgent in the Town as there had been so many changes. This would bring out what needed to be improved and advised that Nova Southeastern University would partner with the Town on this.

**VISIONSETTING.** Councilmember Starkey felt it was important to the Town as a whole as the Town was in a unique situation.

**VICE-MAYOR PAUL**

**THANK YOU.** Vice-Mayor Paul thanked everyone who had worked on her campaign for all their time spent and support given.

**SUPERMAJORITY.** Vice-Mayor Paul spoke about the potential benefits of the supermajority and preservation of the rural character of the Town. She felt that the

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referendum results were clear messages from the residents and she would like to make this a top priority. Vice-Mayor Paul asked staff to begin looking at a rural overlay district and felt that the new agricultural advisory committee would be helpful in this.

**CLASSROOMSPACE.** Vice-Mayor Paul advised of the importance of all new development being linked to classroom space. This was of great concern as classrooms were overcrowded, as were trafficways.

**WATER SERVICE.** Vice-Mayor Paul asked that staff look at new commercial and residential developments in light of the water restrictions. She added that new development should have a water quality plan and the developer should be required to disclose what residents could expect in water quality or water service. Vice-Mayor Paul felt that the new person involved in Sunrise's Commission may have good results in resolving some of the issues.

**SENATE BILL 1244.** Vice-Mayor Paul advised that she would be going to Tallahassee and would be involved in compensation for lost citrus trees. She advised that the proposed bill would bring a \$100 replacement per tree and that members of the Broward delegation or anyone else in Tallahassee needed to be contacted and offered support on this.

**CULTURAL DIVERSITY DAY.** Vice-Mayor Paul asked that Ms. Stafiej add a celebration of cultural diversity to the Town's events. The events should include entertainment from diverse groups, a display of flags, etc. possibly in conjunction with the July 4th celebration.

**WATER CRISIS.** Vice-Mayor Paul solicited all landscapers, residents and Town staff to not take the restrictions to the limit, but be cooperative in conserving water.

**MAYOR VENIS**

**CONGRATULATIONS.** Mayor Venis congratulated Councilmember Starkey, Councilmember Truex and Vice-Mayor Paul on their victories.

**PLAZA PLAT.** Mayor Venis spoke about a meeting with Broward County Commissioner Lori Parrish regarding the Plaza Plat where a new Winn-Dixie would be built. He advised that in January, Council had approved a modification to the plat for a free standing Walgreens and the developer had since petitioned the County to have several other restrictions removed from the plat. Mayor Venis felt that this action would be detrimental to the area of Hiatus Road and read the comments from the County resulting from these requests. He advised that Council needed to stand firm in not lifting any other restrictions from the plat.

**WATER RESTRICTIONS.** Mike Bender spoke about the phase 3 water restrictions and the importance of the Town leading the way in water conservation. He also spoke about the detrimental affects of the drought on the nursery and landscape businesses. Mr. Bender asked Council to unite in this effort and not wait for South Florida Water Management District to come up with a plan, but asked for an emergency meeting to make plans for the Town. He suggested that education was the key and would like to see Comcast put out a public service announcement with a plea to conserve water. He asked Council to pursue an exemption from South Florida Water Management's restrictions for the agricultural community if the Town could prove that they were willing to conserve water together.

Vice-Mayor Paul asked if some of these ideas could be worked on right away. Mr. Willi advised that the County Emergency Management Office was declaring a water emergency and would activate their emergency centers, with higher enforcement and more publication. He advised that staff had scheduled a meeting to decide on reducing landscape

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requirements. A Townwide plan would be developed to provide for water needs as the rainfall was expected to remain low for the next few years. Mr. Willi advised that during phase 3, the acceptable watering times for nurseries would be reduced and the specific restrictions. Mayor Venis asked Mr. Willi to prepare a memo detailing the impact of water restrictions for nursery owners and farmers with the intent to hold an emergency meeting after all the facts were in.

Ms. Parno, owner of Pot Luck Nursery, advised that February was the worst month for sales, although the impact on the plants had not been great. She advised that homeowners misunderstood the restrictions and felt they were not allowed to water at all. Ms. Parno stated that it was important for businesses that their customers be educated on the actual restrictions. It was decided that Mr. Willi would put together information, which would be distributed to nursery owners.

**10. TOWN ADMINISTRATOR'S COMMENTS**

**CONGRATULATIONS.** Mr. Willi congratulated the new Councilmembers and welcomed back Vice-Mayor Paul.

**SW 136TH AVENUE AND SW 14TH STREET ALIGNMENT.** Mr. Willi advised that due to the situation in this area and the traffic congestion, he had directed staff to put in a traffic light. He stated that a study had already been completed and money was in the budget for fiscal year 2002 for this purpose. Mr. Willi stated that he would be asking permission to move the improvements to 2001 as the need for widening that point of the roadway and making the lane width continuous in the north-south direction, had also presented itself.

Mayor Venis asked if 14th Street was in the plan to be widened. Mr. Willi advised it was not in the five-year plan.

**11. TOWN ATTORNEY'S COMMENTS**

**CONGRATULATIONS.** Mr. Kiar offered his congratulations to the new Councilmembers and congratulated Vice-Mayor Paul on her appointment as Vice-Mayor.

**CUMMINGS VS. TOWN.** Mr. Kiar requested an executive session for April 4th at 6:00 p.m. He stated that he, Mr. Connick, Mr. Willi, Council, and a court reporter would be present. Council agreed.

**KUEGLER VS. TOWN.** Mr. Kiar advised that he had reviewed the bills for the matter involving residents along 142nd Avenue and indicated that Mr. Brady invoiced \$20,287.37 and Mr. Caesar billed a flat fee of \$3,500. Mr. Kiar advised that he felt the fees were justified and reasonable.

Mr. Magee stated that he was the focal point for all residents on this issue. It was established that the invoices received were the only ones the Town would receive.

Councilmember Clark made a motion, seconded by Vice-Mayor Paul, to approve the payment of these fees. In a voice vote, all voted in favor. (Motion carried 5-0)

**12. CONSENT AGENDA**

*Proclamation*

12.1 National Public Works Week (May 20 - 26, 2001)

*Occupational Licenses (Home)*

12.2 Jericho Pest Control, Inc., 4100 SW 100 Terrace

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12.3 Premier Exterminators, Inc., 15290 SW 26 Street

*Resolutions*

12.4 **STAFF REQUESTING A TABLING TO APRIL 18, 2001**

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) (tabled from February 7, 2001)

12.5 **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) (tabled from March 7, 2001)**

12.6 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO SUPPLEMENT THE DAVIE CHILD SAFETY BOARD. (not to exceed \$3,000)**  
R-2001-67

12.7 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR SUPPLY AND INSTALLATION OF BRICK PAVERS. (Classic Paver and Design, Inc. and Gemini Associates of PBC, Inc.)**  
R-2001-68

12.8 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF A RIGHT-HAND TURN LANE AT PINE ISLAND PARK. (Florida Blacktop, Inc. - \$86,580)**  
R-2001-69

12.9 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A FUEL MONITORING SYSTEM, CITY OF FORT LAUDERDALE BID #712-8349. (National Business Control Systems, Inc. - \$24,630)**  
R-2001-71

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- 12.10 **PLAN ADOPTION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2001-70 ADOPTING THE LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR 2002-2004 UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ESTABLISHMENT AND ADMINISTRATION OF A JOINT LOCAL HOUSING ASSISTANCE PROGRAM FOR 2002-2004; APPROVING DAVIE'S HOUSING DELIVERY GOALS/SHIP BUDGET STRATEGIES FOR FY 2001/02; AND PROVIDING FOR AN EFFECTIVE DATE.
- 12.11 **EVENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-72 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A USE PERMIT WITH THE BROWARD COUNTY, PARKS AND RECREATION DIVISION (Take A Kid Fishing - May 5, 2001; \$2,100)
- 12.12 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-73 AUTHORIZING APPROVAL AND EXECUTION OF AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD TO LEASE RECREATIONAL FACILITIES AT NOVA AND WESTERN HIGH SCHOOLS.
- 12.13 **OPPOSITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-74 OPPOSING ALTERNATIVE 3, AND ALTERNATIVE 5 OF THE FLORIDA DEPARTMENT OF TRANSPORTATION I-75 MASTER PLAN TIER 2 ANALYSIS WHICH PROPOSE SPECIAL USE INTERCHANGES AT STIRLING ROAD AND SOUTH POST ROAD.
- 12.15 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-75 AUTHORIZING THE MAYOR TO EXECUTE AN INTERIM RIGHT-OF-WAY AGREEMENT BETWEEN THE TOWN OF DAVIE AND YIPES COMMUNICATIONS, INC; AND PROVIDING FOR AN EFFECTIVE DATE.
- 12.15 **BONDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-76 INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF VARIOUS CAPITAL PROJECTS AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF.
- 12.16 **RECERTIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2001-77 FLORIDA, REQUESTING THE BROWARD COUNTY PLANNING COUNCIL RECERTIFY THE TOWN OF DAVIE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

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12.17 **CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2001-78 **FLORIDA, ADJUSTING THE PAY GRADE FOR THE JOB CLASSIFICATION  
OF BUILDING OFFICIAL IN THE NON-REPRESENTED PAY AND  
CLASSIFICATION PLAN AND PROVIDING AN EFFECTIVE DATE.**

12.18 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**  
R-2001-79 **AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO  
ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE,  
BROWARD COUNTY, AND JACK LOWELL, JR., TRUSTEE; FOR ROAD  
CONCURRENCY RELATING TO THE POINTE WEST CENTER NORTH  
PLAT; PROVIDING FOR REMEDIAL MEASURES TO SATISFY  
CONCURRENCY REQUIREMENTS RELATED TO THE POINTE WEST  
CENTER NORTH PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY  
AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING  
FOR AN EFFECTIVE DATE. (DA 3-1-01, 3450-3550 Weston Road)**

*Site Plan*

12.19 *SP 12-2-00, Westport Plaza, 6525 Nova Drive (M-4, County) Planning and  
Zoning Division recommended approval subject to the planning report; Site  
Plan Committee recommended approval based on staff's recommendations;  
to include the "five head" Phoenix Reclinata at the entrance; and that the  
petitioner "spec" a "bio-barrier" for all the island canopy trees*

Vice-Mayor Paul asked that item 12.5 be removed from the Consent Agenda. Councilmember Clark asked that item 12.12 be removed. Mr. Willi asked that item 12.19 be removed. Councilmember Truex asked that item 12.9 be removed.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve the Consent Agenda without items 12.5, 12.9, 12.12 and 12.19. In a voice vote, all voted in favor. (Motion carried 5-0)

12.5 Vice-Mayor Paul had a concern with this item as there had been some confusion and misinformation about the proposed school site. She stated that the school staff understood that the 20 acres wanted for a school site was within the development and that possibly another 6 acres could be added for an elementary school. Vice-Mayor Paul added that Mr. Zimmerman wanted to offer some acreage in exchange for impact fees for a middle school, and discussion between Mr. Zimmerman and Lee Stepanachek, representing the School Board, revealed an alternate plan. Vice-Mayor Paul recommended that this item be denied until this was resolved.

Mr. Willi advised that he had spoken with Ms. Stepanachek and she advised of an agreement with the developer for locating within the plat. He stated that the School Board had turned down the commercial parcel next to the landfill and one outside the plat.

Dennis Mele, representing Imagination Farms, advised that Council had already approved this plat and item 14.3 was the zoning for this property. He spoke about the plats next to this property and the standard size for middle and elementary school sites according to the County's Land Development Code. Mr. Mele urged Council to approve the

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agreement, although he suggested they could do so after approving item 14.3. He indicated that the School Board had not asked for a site in this plat and felt this should not be denied based on rumor.

Vice-Mayor Paul's concern was that the School Board may not accept the agreement, as they were adamant on location, which could result in not getting a school at all. Mr. Mele advised that in the event that the County Commission did not approve this plat, the agreement would never take affect. He added that they wanted the school as well and there historically were many discussions with the School Board regarding location of a school.

Mayor Venis suggested that this should be deferred until after item 14.3 was heard. There were no objections from Council.

12.9 Councilmember Truex wanted to clarify that this was the exact equipment that was purchased by Ft. Lauderdale. Budget and Finance Director Christopher Wallace responded in the affirmative.

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

12.12 Councilmember Clark referred to item 2.7, Operation and Control, and stated that it was not known how much time would be available to the Town on these fields as the school schedule was not known. Mr. Bernard advised that an agreement was reached with both schools. He indicated that Western High's baseball fields would not be available January through May, but they would be available June through December at night. At Nova, improvements would be made to the south side of the gym adding another practice field with lights and lights would be added to the existing fields, so each night one of those fields would be available.

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

12.19 Mr. Willi advised that this item would be heard after item 14.8.

Mayor Venis indicated that item 14.3 would be heard at this time.

14.3 Mayor Venis advised that this was a continuation from last meeting and swore in the witnesses.

Mayor Venis stated that he met with Mr. Mele, Mr. Bender, Ms. Mellgren and Mr. Bosque regarding the ongoing conceptual site plan and agreed that residents on 31st Court and surrounding residents were happy with the buffering. Councilmember Starkey advised that she had spoken with Michelle Mellgren about the agreement which she had. Councilmember Truex indicated that he had spoken to Mr. Mele, Mr. Bosque and Mr. Bender. Vice-Mayor Paul stated that she had also spoken to the mentioned individuals, as well as with others.

Mr. Kutney spoke in support of the rezoning, stating that there was the issue of the canal right-of-way on the eastern boundary. He stated that staff had reviewed their actions and had not done anything inappropriate and added that staff met with Mr. Crowley of Central Broward Drainage District who had indicated that any rights-of-way must be approved by Central Broward Water Control's District Board of Commissioners. Mr.

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Kutney read a letter from Mr. Crowley which indicated that the issue had been resolved. Mr. Kutney stated that staff had received a new plan on March 21st to staff, which had not been reviewed and suggested that Mr. Mele explain the plan. He added that one of the requests was for ten feet of the 40 foot easement to the north, which was designated for equestrian and pedestrian use, be used for landscape treatment. Mr. Kutney felt this may work, but was concerned that there be no pavement on that remaining 30 foot easement.

Mayor Venis asked about paved areas on Imagination Farms east and the concern with ATV activity. Mr. Kutney agreed that this was a concern.

Mr. Mele indicated that the south end of the project had remained the same and the north end had changed to provide for the same kind of distances and treatment as existed at the east end of Imagination Farms. He explained the provision for the 40 foot trail and asked Council for direction regarding pavement on the trail. Mr. Mele explained the landscaping along the trail, and the expanded water body that was added, which included wetland tree islands. He added that this was not a wetland site, but Central Broward Water Control District had a rule for lateral plantings which would be accomplished with the islands. Mr. Mele spoke about the Central Broward Water Control District release issue, stating that these releases existed on properties throughout the State and procedure was that the reservation release was filed for at final site plan. He added that if Central Broward did not agree to the release, there were six lots that would be eliminated, but drainage was being provided by the water body, which expanded the 60-foot requirement to 100 feet. Mayor Venis felt that the substantial water body was an improvement.

Mr. Kiar asked for clarification that if the Water District did not grant the release, it would eliminate six lots, but not result in a reconfiguration. Mr. Mele indicated that these were lots #20, #21, #60, #61, #99 and #100, which would not result in reconfiguring the plan, and water would replace those lots in that event.

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

Mike Bender, 14800 SW 31 Court, felt that pavement on a recreational trail was not appropriate and stated that the residents had met with Mr. Mele. Mr. Bender stated that concerns from residents regarded the 15 foot easement and he asked to clarify that the easement would start at the property line of Imagination Farms. He felt the residents would like some guarantee that the buffer along 31st Court would stay the same, but had no objections.

Raul Bosque wanted assurance that the buffer was in place. Mr. Mele assured that the buffer would be as it was shown on the plan.

Jeff Weaver, resident of Imagination Farms East, spoke on behalf of the developer and felt that the problems had been negotiated and resolved. He asked Council to approve.

Mayor Venis closed public hearing.

Councilmember Truex asked if the trail was suitable as a horse trail if there was no pavement. Mr. Mele agreed and stated that the public would have access, as part of the trail system. Mr. Kutney stated that the reason the pavement was an issue was that the trial maps showed this as both an equestrian and a pedestrian trail.

Councilmember Starkey was glad that Mr. Mele worked out an agreement with residents and felt this was a good project.

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Vice-Mayor Paul stated that this was a good project and felt it did not have to be held up so long. She spoke to future projects with the hope that residents could be satisfied without a battle and added that approval of the school site was paramount.

Mr. Mele stated that zoning this property did not restrict the School Board's ability to request a site and the agreement did not go into effect until the plat was approved and the School Board would have its review prior to this. He felt that the most important point about the school was for residents, Council and the developer to tell the School Board what they wanted in a school. Mr. Mele stated that whatever happened with a school, the buffer and lake would not be affected.

Mayor Venis thanked Mr. Mele for working toward this agreement and felt that residents were satisfied with this plan.

Vice-Mayor Paul asked Mr. Kutney about the school issue, if Council moved forward on this. Mr. Kutney stated that the rezoning would have no impact on the location of the school and recommended that Council act on the rezoning and take up the issue of a tri-party agreement as a separate matter. He reminded Council that the County's authority regarding a school occurred at platting.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve the rezoning based on the 40 foot trail with a 10 foot landscaped portion on the north end, a 100 to 150 foot canal on the north end with wetland tree islands, and no pavement on the trail. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

12.5 Vice-Mayor Paul asked Mr. Willi if there was a plat note for the 20 acres. Mr. Willi stated that the Broward School Board failed to put in this request. Mr. Kutney stated that the County report indicated that the Broward School Board was looking at a dedication of the school site, but Council did not have the authority to request a dedication of the land for a school.

Vice-Mayor Paul understood that there would be an exchange of property for impact fees, which would cover the cost of 20 acres, and no commercial fees. Her concern was that Mr. Zimmerman did not share that at the meeting.

Mr. Kutney stated that Council could table, although the County had the real control at final plat approval. He added that if Council approved the request, staff or any member of Council could attend those meetings.

Mr. Mele stated that he felt there would be enough land immediately adjacent to the parcel for an elementary and a middle school. He indicated that impact fees would be a separate issue and that after plat approval, only 75 homes out of over 300 would be built initially, which would only be a small portion of the property. Mr. Kiar stated that the agreement between the County and the property owner would be binding. He clarified Mr. Mele's comment that after the plat was approved and before it was recorded, 75 building permits could be issued and if the plat was not recorded, the building permit would stop and the developer could be ordered to remove what was constructed. Mr. Kiar observed that Council wanted control over this, so he suggested that the tri-party agreement approval be put off. Mr. Kutney advised that, in addition to this, Council had site plan approval, which needed to happen before this agreement could move forward.

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Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to table until April 4, 2001. In a voice vote, all voted in favor. (Motion carried 5-0)

**13. PUBLIC COMMENTS**

*Ordinances - First Reading (Public Hearing to be held on April 4, 2001)*

- 13.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-208, ENTITLED "REQUIREMENTS FOR OFF-STREET PARKING, (E), OVERFLOW AREAS," TO CORRECT AN ERROR RESULTING FROM ORDINANCE 91-33; 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 comments were closed.

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

Mr. Katims stated that this ordinance fixed an error in the Code and added that parking and overflow standards were in line with other cities, but asked if staff should look at the requirements for houses of worship and mortuaries. No specific direction from Council was given.

- 13.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT, TO B-2, COMMUNITY BUSINESS DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-1-01, 5801 South University Drive)**

Town Clerk Muniz read the ordinance by title.

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

Steven Rottblatt, owner of Burger King in the same center where the Home Depot would be located, spoke in support of approval as it would be good for the center and spur development.

Mayor Venis closed the public hearing.

Mayor Venis spoke on the history of this site, stating that this at one point was going to be a charter high school.

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

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**14. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

*Ordinances - Second and Final Reading*

- 2001-16 14.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-3, GENERAL INDUSTRIAL DISTRICT (COUNTY), TO M-3, PLANNED INDUSTRIAL PARK, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-00, Glen's Automotive, 2685 Reese 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.

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

- 2001-17 14.2 **EASEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A ROAD AND UTILITY EASEMENT FROM RICHARD W. EPSTEIN AND MARIE G. PETERSON, AND PROVIDING AN EFFECTIVE DATE. (VA 5-2-00, 6703 SW 59 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 hearing was closed.

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

*Quasi Judicial Items*

- 14.3 **REZONING** - ZB 11-2-00, H.J. Zimmerman & Assoc., Inc./South Post, Inc., 4200 Shotgun Road (from A-1 to E) (tabled from March 7, 2001) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended denial*

This item was approved earlier in the meeting.

- 14.4 **REZONING** - ZB 1-3-01, Phoenix III Corporation/Speyer, 5401 SW 82 Avenue (from A-1 to R-3) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mayor Venis swore in the witnesses.

Bill Laystrom, representing the petitioner, summarized the item. He stated that the petition had stayed within the land use designation and "fits in" with the land use all along Pine Island Road.

Councilmember Truex supported the plan.

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Vice-Mayor Paul agreed that she was also much happier with this than when it was originally proposed.

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

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

- 14.5 **REZONING** - ZB 1-4-01, Laystrom/Curcie, 5990 SW 82 Avenue (from A-1 to B-2) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Bill Laystrom, representing the petitioner, stated that this property was directly to the west of the Home Depot for which a rezoning was just approved. He added that access was being coordinated with Home Depot so traffic could stay in the centers.

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

Vice-Mayor Paul mentioned a junior anchor and retail building, asking if there would be some office and some retail. Mr. Laystrom indicated that a mix was anticipated and a recent change to the parking Code would help in that pursuit. Vice-Mayor Paul felt that the lake next to the retention area would enhance the plan.

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

- 14.6 **REZONING** - ZB 1-5-01, Laystrom/Farias & Geiserman, 5850 SW 82 Avenue (from A-1 to B-2) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval with the inclusion of the Developmental Unity of Title Agreement as reviewed by Board Attorney A. Thomas Connick*

Bill Laystrom, representing the petitioner, explained that this was the companion property next door and part of the conceptual plan Council just saw.

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

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

- 14.7 **VARIANCE** - V 12-1-00, Bouza/Sundance at Davie, Inc., 7100 Nova Drive (R-4A, Old Code) (to allow an eight foot wall on the eastern portion of the property) (tabled from March 7, 2001) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Bill Laystrom, representing the petitioner, stated that the variance was what Council had requested, which was an increase in the wall height to eight feet.

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Mayor Venis swore in the witness.

Norm Blanco spoke on behalf of the requesting, stating that Nova Villas wanted this. He asked that the address be reflected correctly as 6985 Nova Drive.

Mayor Venis closed the public hearing. He stated that he discussed this with Mr. Blanco, Mr. Laystrom and received a voice mail from Alma, President of Nova Villas.

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

- 14.8 **VARIANCE - V 1-2-01, Mellgren/Forman and Forman, Trustees, 6405 Nova Drive (M-4, County) (to allow 21.4 percent open space on the Ruby Tuesdays parcel, 20 percent open space on the Westport Plaza parcel exclusive of the outparcel, and 20 percent open space on the Westport Plaza outparcel) (tabled from March 7, 2001) Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval of the variance with the applicant voluntarily agreeing to install Royal Palm trees as a streetscape improvement, with the trees being the same height as was installed on Davie Road (at time of installation), to be placed along Nova Drive on the frontage of the applicant's property from the corner of Davie Road to the most western end of the property, that the trees be spaced the same distance from each other as was done on Davie Road; and that this streetscaping project would be in addition to the landscape plan which had been presented to the Site Plan Committee**

Mayor Venis swore in the witnesses. Mr. Kutney summarized the planning report.

Michelle Mellgren, representing the petitioner, spoke about the project and advised that it was not possible to purchase more land for landscape purposes or to eliminate the outparcel. She suggested that redevelopment was more difficult and felt that the Town would not see development at all if there were too many rules involved. Ms. Mellgren stated that the petitioner had asked the Town to create an entry way onto Nova Drive and the developer would provide royal palms on the north side, if the Town would look at the south side, which would create a balanced appearance. She asked Council to approve.

Councilmember Clark advised that she had spoken with Jim Kane regarding this site. Councilmember Starkey spoke with Michelle Mellgren on this issue. Vice-Mayor Paul spoke with Ms. Mellgren and Mr. Kane regarding this. Councilmember Truex spoke with Mr. Blanco and Ms. Mellgren. Mayor Venis spoke with Mr. Forman.

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

Norm Blanco, representing the Associations of Nova Drive, asked Council to approve, as this was something that the community needed and it may also alleviate traffic.

Larry Davis, 10901 SW 42 Place, opposed the variance, stating that a needed use had driven this variance instead of the typical hardship and need. He advised that one-third less open space would result if this variance was applied and added that the petitioner was proposing the outparcel solely for their own financial gain. Mr. Davis distributed an article about the development of Publix stores, pointing out that many were becoming multi-level, which meant less square footage on the site. The article stated that Publix was planning

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10,000 square foot stores in some areas. Mr. Davis stated that if this was planned as such, the variance might not have been necessary, although he agreed there was a need for a grocery store. His concern was that a precedent would be set and asked why the petitioner should decide how the outparcel was developed.

Mayor Venis closed public hearing.

Ms. Mellgren referred to the article advising that the multi-level stores Publix was developing were in urban areas. The population in the proposed area was constrained and could not support a multi-level.

Councilmember Clark felt the article indicated that there could be more options.

Ms. Mellgren stated that the 27,000 square foot store that was designed for this site was the smallest prototype designed so far. She stated that chain stores did not design a unique store for each site and added that this was a full service store. Ms. Mellgren spoke about the economics of building a smaller store, stating that the costs were the same as for a larger store, as all of the components for a site must be established. She did not feel this was a self created hardship, but due to existing market conditions. Publix was very much aware of its parking need, as there would be a unique dynamic with the Blockbuster and restaurant on the site. Ms. Mellgren spoke about reasonable use of the land and the various development allowed, including industrial, and stated that the Town should decide in favor, based on needed use. She felt that this was in harmony with the intent and purpose of the Code and would also be beneficial to the public welfare, advising that the proposal addressed all criteria. Ms. Mellgren asked Council to find in favor.

Mr. Kutney stated that staff believed that the use would be a good use for the area, but, based on technical criteria, they could not support the project.

Councilmember Truex agreed that a grocery store was needed in the area, although his concern was that more building was being put on a limited amount of land. He felt that Council historically gave up these variances easily, chipping away at space. Councilmember Truex spoke about the proposal by Planning and Zoning to plant the large royal palms, stating that adding trees did not address the sacrifice of the open space. Councilmember Truex suggested that the Town was not getting a good deal and recommended that the item be tabled so he could meet with Mr. Blanco. He added that any development in close proximity to this educational complex should address bike and pedestrian traffic. Councilmember Truex could not support the request as it currently was submitted, but did feel the Publix was important.

Councilmember Clark felt this was important to the entire east side of Davie and felt it could be tabled and discussed later.

Vice-Mayor Paul asked if the palm trees would make up the difference in the percentage. Joe Hanley, Landscape Architect, stated that the royal palms in the swale area along Nova Drive were in the right-of-way. He added that the County's Code required minimal landscaping and the developer had gone beyond what staff had requested.

Mr. Kiar advised that he was present at the Planning and Zoning Board meeting and stated that the palms would beef up the landscaping, which would in some way mitigate less green space.

Ms. Mellgren advised that the pedestrian accessways had been addressed at site plan.

Ms. Mellgren stated that this had been ongoing for several years, although site plan was only approved last October. She added that the developer had more than met the landscape requirements and the alternative modes of transportation were addressed. Ms.

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Mellgren advised that the 29,000 square feet for the site included the building, parking and open space. Vice-Mayor Paul felt the adjustment for the outparcel would make up the difference in the open space requirement and partially solve the problem.

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

Councilmember Clark was concerned that the project would be lost if Council waited. Ms. Mellgren referred to the various proposals stating that she did not know how else these could be adjusted.

Councilmember Starkey had no problem with this project as it was needed, the site plan was a good one and this was a timely effort.

Mayor Venis referred to the outparcel on the diagram where shading made the building look larger than it was.

Councilmember Starkey felt that economic development in the area was needed and residents had spoken to her in favor of this. Mayor Venis felt this was a good site plan, residents were glad to have a Publix and agreed that some traffic problems would be alleviated along Nova Drive.

Ms. Mellgren spoke about the agreement that the height of the royal palms were to be 15-17 feet when they were installed on Davie Road. She recommended that staff work with the South Florida Education Center (SFEC) to enhance their side so the site would be balanced.

Mayor Venis stated that the Town would make an effort toward this, but the SFEC may not agree.

Councilmember Clark made a motion, seconded by Councilmember Starkey, to approve with the Planning and Zoning recommendations regarding the royal palms. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

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

14.9 **VARIANCE** - V 1-4-01, Sever, 6650 SW 48 Street (RM-10) (to reduce the required side setback to 7.5 feet and to reduce the required building separation o 15 feet) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mayor Venis swore in the witness.

Mark Sever, the petitioner, was present. Mr. Katims summarized the planning report.

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

Lloyd Truex, 4702 SW 66 Terrace, stated that he had opposed this variance from the beginning and he was still opposed. He explained that his street dead-ended at this property where Mr. Truex's duplexes were located. Mr. Truex added that he had trouble finding tenants for his property as the petitioner's property was the first they would see and it had

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trash and garbage on the lot. He showed Council pictures, which were entered as an exhibit, stating that Code Compliance had made some effort to straighten up the area, but the petitioner had not cooperated.

Mayor Venis closed public hearing.

Mr. Sever indicated that none of the pictures were of his property. He explained that the reason for the variance was to build the duplexes to face the front of the street and added that they would be an asset to the neighborhood.

Mayor Venis asked why this project was not completed earlier. Mr. Sever stated that he could not fit it in with his other projects; however, he planned to begin the project in July. He added that other projects were approved with reduced setbacks.

Councilmember Truex stated that he had spoken to Mr. and Mrs. Truex regarding this issue and pointed out that, although they were his parents, it would not preclude him from speaking or voting on the issue. He opposed the variance because of the orientation of the houses on the property, which would give a tight, compressed appearance. He added that several cars would be parked out front and recommended building just one duplex in the space.

Mr. Sever advised that the orientation proposed would give more of the appearance of a single family area, instead of an apartment complex. He added that he would not use standard treatments and would include upgraded landscaping and tile roofs.

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

Mayor Venis closed public hearing portion of the meeting.

*Items withdrawn or tabled*

**14.10 WITHDRAWN BY STAFF; TO BE READVERTISED**

FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING THE FEE SCHEDULE FOR THE TACKLE FOOTBALL AND TACKLE CHEERLEADING PROGRAM FOR FY 2000/2001 AND APPROVING AN ADDITIONAL \$30.00 FEE WHICH WOULD BE DEPOSITED IN THE PARKS AND RECREATION YOUTH SPORTS OPERATING ACCOUNT 001-0801-572-0514. (tabled from March 7, 2001)

This item was withdrawn earlier in the meeting.

**14.11 PLANNING AND ZONING BOARD TABLED TO MARCH 28;  
COUNCIL CAN TABLE TO APRIL 4, 2001**

VARIANCE - V 1-3-01, The Costoya Group, Inc./Carmco, Inc., 3500 SW 130 Avenue (R-1)

This item was tabled earlier in the meeting.

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**15. APPOINTMENTS**

15.1 Davie Water and Environmental Advisory Board (one exclusive appointment - Councilmembers Starkey and Truex; term expires December 2001)

Councilmembers Truex and Starkey deferred their appointments.

15.2 Davie Agricultural Advisory Board (one exclusive appointment per Councilmember; terms expires February 2002)

Councilmember Truex appointed Jason Hurley. Vice-Mayor Paul appointed Thaddius Hamilton. Mayor Venis appointed Julie Aiken. Councilmember Clark appointed Delia Alonso. Councilmember Starkey deferred her appointment.

15.3 Budget Advisory Committee (one exclusive appointment - Councilmember Paul; term expires December 2001)

Vice-Mayor Paul deferred her appointment.

15.4 Planning and Zoning Board/Local Planning Agency (one exclusive nomination which requires approval by Council - Councilmember Truex; must be a resident and qualified voter) (term expires May 2001)

Councilmember Truex appointed Bob Waitkus. In a voice vote, all voted in favor. (Motion carried 5-0)

15.5 School Advisory Board (two exclusive appointments per Councilmembers; term expires March 2002)

Councilmember Truex and Mayor Venis deferred their appointments. Vice-Mayor Paul appointed John Pickett and Pj Grant. Councilmember Clark appointed Wendy Weiner and Jill Cohen. Councilmember Starkey appointed Tim Serita and deferred her second appointment.

**16. OLD BUSINESS**

There was no old business discussed.

**17. NEW BUSINESS**

17.1 D & M Acres Land (Mayor Venis)

Mayor Venis advised that the Florida Department of Transportation (DOT) had cut down trees in the D&M Acres area. He had a meeting with Commissioner Parrish regarding this and added that the residents had been calling the DOT and were told there was no landscaping plan in place. Mayor Venis stated that the residents would like a berm and palms planted on the berm. Mr. Willi advised that he had not been able to determine if DOT was using its standard plantings or if there was a berm. Mayor Venis asked for information on this and for Mr. Willi to set up a meeting with residents.

Mike Bender stated that Curtis Sherrod had 100 palm trees to donate to the Town. Mr. Bernard advised that he was already in possession of these trees.

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**17.2 Wetlands Mitigation Bank (Councilmember Paul)**

Mr. Willi stated that the Town was moving toward setting up a wetlands mitigation bank for the purpose of selling wetlands mitigation to developers from other regions. The profits would be used to improve open space and park space in the Town. He explained that there were five locations throughout the Town that were being investigated.

**17.3 I -75 Interchange (Councilmember Weiner)**

Mr. Willi advised that the resolution regarding this issue was on tonight's agenda.

Mayor Venis felt this would be discussed at one of the next MPO meetings and he would report back.

**17.4 Residential Subdivision Plats - Policy Determination**

Mr. Katims stated that staff had been dealing with site plans based on lot-specific plats that were approved by the Town prior to a change in the landscape Code in 1996. At this point, there was no minimum landscape buffer and a certain number of feet was not required. He added that recreational and equestrian trails could be counted towards lot area, as well as landscape buffers. Mr. Katims explained that the question of vested rights had come up, as a result. He recommended that since there were several lots that were completely undeveloped with no site plan, Council might want to address this as a policy matter. Mr. Katims explained that the attachments indicated the names and locations of each case. Potential mitigation for each one referred to the minimum mitigation. He stated that if Council were to decide that these be vested as they were, staff suggested that these easements be set aside from the lots they were shown in and deeded to the homeowner's association so residents wouldn't fence these areas. Mr. Katims added that if no buffer existed, one could be required.

Mayor Venis asked if these ideas had been discussed with any of the owners of these properties. Mr. Katims indicated that many of the lots had not been sold and this had not been discussed. He stated that Grand Oaks had been informed and agreed. He pointed out that site plans could be approved without variances or vested rights if Council made a blanket policy decision. Mr. Kiar stated that if it was vested, there would be nothing to mitigate. He stated these could be done one at a time as they came in or contact each one and get agreements from the owners.

Mayor Venis felt that each plat might have a unique situation. Mr. Katims explained that if the owners were to be vested, the landscaping could be compromised and not meet preferred standards. Mr. Kiar stated that just because there was a plat approval, a vested right on behalf of the owner was not a given and agreed that each one needed to be looked at individually for expense to the owner and other factors.

Hypothetical development circumstances were discussed, pointing out potential number of variances which may be required for each plat, the unique nature of vested rights determinations and the benefits and restrictions of a policy decision.

Mr. Kiar did not recommend a policy decision. Mayor Venis suggested that when each one came up, Council make a determination outside of the variance process. Mr. Connick agreed that this would allow Council control and he cautioned that all applicants needed to be treated similarly. Mr. Kutney stated this could be done; however, by taking each one individually, it could be a long process.

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Vice-Mayor Paul spoke about annexation questions before the State legislature and asked if Council would be interested in a resolution indicating the Town's interest in supporting Sunshine Acres, Rio Ranches, and Riverland being given an option to annex into Davie. She advised that several residents had expressed an interest in voting to decide if they should be allowed to annex into the Town.

Mayor Venis advised that the City of Ft. Lauderdale was committed to dredging the canals in the Riverland area, which would be a major expense, and Ft. Lauderdale would be a better fit for these residents. He felt that residents should have a say in these decisions.

Councilmember Truex would like to have more information on this before a resolution was made.

Vice-Mayor Paul referred to a specific area encompassing Sunshine Acres and Rio Ranches and stated that these residents would like to see this choice on a ballot. She stated that she would be going to Tallahassee and felt that a statement from the Town would assist with the process.

Mr. Willi stated that these areas were not being voted on during this session, but during next year's legislative session. He had a meeting with several delegates and County Commissioners and they were emphatic that these residents would be given a choice. Mr. Willi advised that it would go on the ballot for Pine Island Ridge and the other areas would be given the same consideration.

Councilmember Truex asked when the rural character issue would come up on the agenda. Mr. Willi was not sure.

Councilmember Truex asked that the management efficiency study be on the next agenda.

**18. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 1:18 a.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk