

**TOWN COUNCIL
REGULAR MEETING
JULY 18, 2001**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:10 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Paul and Councilmembers Starkey and Truex. Also present were Town Administrator Willi, Town Counsel Connick, and Town Clerk Muniz recording the meeting. Councilmember Clark and Mr. Kiar were absent.

Vice-Mayor Paul made a motion to excuse Councilmember Clark. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

Mayor Venis advised that Councilmember Clark had given birth to a boy.

3. PRESENTATIONS

3.1 Police Academy Graduates

Police Chief John George introduced four new academy graduates. He explained that the budget accommodated 16 new positions beginning in January 2001 and others would soon be graduating.

3.2 Davie/Cooper City Chamber of Commerce

Arlene Broleman, Executive Director, presented Council with the new membership directory, as well as invitations to the Annual Business Expo

3.3 Central Broward Water Control District - Sandra Switzer

Ms. Switzer, Central Broward Water Control Commissioner, announced about the new web site - www.centralbroward.wcd.org and asked residents to visit the site and give feedback. She spoke about a recent Shenandoah meeting and of a problem solved with a pipe that needed to be cleaned out as well as a lake equalizer pipe. Ms. Switzer discussed the east/west canal and 31st Court, as well as Imagination Farms and thanked residents for their work on this drainage issue.

Vice-Mayor Paul asked about the project on 26th Street. Public Works/Capital Projects Manager Bruce Bernard stated that the project was part of the Capital Projects Program and explained that the plan was to fill in the drainage ditch on 26th Street between 136th Avenue and 142nd Avenue. He explained that it would be broken at 139th and send the water from 139th west to the 142nd Avenue canal. Catch basins and piping would be installed and there would be an outfall going into the 142nd Avenue canal. Mr. Bernard added that on the east side of 139th, culverts would be installed under a number of driveways and roadways. He explained that catch basins would be installed to carry the water between both sides of the roadway with piping and also piping "this" into 136th Avenue. He stated that there would still be a swale section would still hold water along this roadway to convey it into canals on each end. Mr. Bernard advised that the Australian pines that used to be in the right of way would be maintained on the south side of the canal that the Town was never able to get to because of the ditch. He stated that: 1) the diseased and dead Australian pines would be thinned out while others would be elevated; 2) a swale section

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would be put in and would have grass planted which would allow water to come down the swale section into the catch basin and discharge into the canals. Vice-Mayor Paul clarified that the "whole thing" was not going to be piped. Mr. Bernard stated that whole thing did not need to be piped as there would be a change of elevation from 139th Avenue to 142nd Avenue and there would be an outfall into each canal.

Vice-Mayor Paul questioned a french drain Mr. Bernard stated that this was not a french drain but explained that a french drain system was where a 3/4 rock was placed into the ground with a pipe and the water came threw a catch basin and drains in a french drain system. He explained that this area would still act as a drainage system because the water could still percolate through the ground naturally; however, if it became too much and got saturated, it would end up running across the top into the basins, through the basins and out into the canals. Mr. Bernard added that there would be a defined cross section where water would be able to build up.

Vice-Mayor Paul asked Mr. Bernard if he had spoken to the residents in Sequoia. Mr. Bernard responded that a notice was left at each home that fronted the property and indicated that several people had called him. Vice-Mayor Paul questioned if the residents on the north side of 26th Street were contacted. Mr. Bernard responded in the negative as this did not effect their drainage and did not have any impact on their side of the street. He added that the road was crowned and nothing new would "ever go that way".

Mayor Venis asked about the cost of the cleanup at Shenandoah. Mr. Bernard indicated that there were two sections taken care of and the total was \$5,000.

Mr. Bernard stated that once the project was completed, it would work and indicated that it was basically cleaning up a nuisance problem because people dumped stuff into the drainage ditch. He said that this was not a canal and had never been attached to the Central Broward area. Mr. Bernard advised that the culverts under the roadway were currently 90% blocked so that water never moved.

3.4 Zoning In Progress

Development Services Director Mark Kutney stated that staff members were given direction on the goals and some sources were acquired for this research. He reported that a key staff member would be out for three months on maternity leave and Planning and Zoning Manager Jeff Katims had resigned his position as of August 1st. This left no one on the planning staff to handle projects. Mr. Kutney added that Town Engineer Dan Arner had also submitted his resignation. He reported that these absences or vacations of positions were all family related and added that this would add to his own workload. Mr. Kutney stated that he would meet with Mr. Willi to formulate a plan of action to move this matter forward.

Vice-Mayor Paul asked if outside consultants would be appropriate. Mr. Willi stated that this was option. Mr. Kutney indicated that engineering related needs could be contracted out, but planning issues could not.

Councilmember Starkey suggested that some of the other projects such as grants, and specifically the one due on August 13th, could be contracted out. Mr. Willi stated that using a consultant for completing the grant application would not work as no request for proposal had been done and the time was too short to employ them for this purpose. Vice-Mayor Paul stated that she knew of someone who did grant writing for a Broward County Schools project and felt that person could help. Councilmember Starkey felt that environmental

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grant writing was an expert field and firms were available which had been successful. She spoke about the timeliness of making decisions related to this grant and the cost of hiring an expert.

Mr. Willi listed the various research that had already been accomplished and advised that the property had been identified. He cautioned that the time frame for completion of this type of project was six months. Mr. Willi did not feel it would be possible to bring on Chen & Associates and expect completion by the deadline. Staff planned to submit an application for a minimal grant, but not one that required six months of planning.

Councilmember Starkey recommended looking at having an expert on line to make corrections requested by the State once the application had been reviewed. She reminded all that each approved grant had the potential for a \$6 million award. Vice-Mayor Paul felt that it was important to do whatever had to be done to get to the point of completion and the Broward County bond money could not be depended on.

Mayor Venis asked Mr. Willi what he felt would be an appropriate cost for Council to approve. Mr. Willi stated that at a minimum, he estimated a cost of \$80,000 for completion of this grant would be needed.

Mr. Bernard stated that under the award, \$50,000 was allowed to be spent for Chen & Associates and not all would be spent in the application process. Vice-Mayor Paul asked how much work had been done. Mr. Willi stated that the preliminary work had been done and much of the engineering and wetlands site plan was to have been done by the Town, but the firm would pick that up.

Councilmember Starkey suggested adding Miller Legg for their expertise and felt that staff could not design this on their own.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to go forward with Chen & Associates on this grant. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

3.5 Pine Island Park Update - Bruce Bernard

Mr. Bernard stated that the underground facilities and outdoor design/build phase were complete and two weeks remained on the grow-in period on the fields. He reported that the multi-purpose facility was 98% complete and a September 8th opening was scheduled for the building and the park. The right turn lane construction had begun and the bid for the water playground would be done after the summer months. Mr. Bernard felt that the scoreboards would be installed in the next 30 days.

3.6 Upcoming Special Events - Dennis Andresky and Bonnie Stafiej

Dennis Andresky, Parks and Recreation Director, announced that upcoming events included: registration for flag football for boys and girls ages 4-11 (deadline August 10th); travel soccer team was still looking for competitive players; Eastside Community Monthly Pot Luck Dinner (August 17th); and the Ivanhoe Community Center Preschool Program.

Bonnie Stafiej, Special Projects Director, was not present.

3.7 Stonebrook Fencing

Mr. Willi stated that a number of issues had come up where fencing was placed in the Stonebrook community which Mr. Kiar had designed a plan to address. Mr. Willi indicated

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that this related to E-zoning and open space requirements. He explained that a fenced area of open space that was not actually open to the whole community was the issue and stated that some precedents had been set in other areas of the Town.

Mr. Connick stated that he and Mr. Katims had devised a definition of open space and an addition to Code Section 12-33(N). He asked for direction from Council on this matter. Mr. Connick explained this issue, stating that excess space for certain lots was considered as open space for the open space requirement. He indicated that Council would need to decide if it wanted to change the definition of open space and that this change should consider the fencing problem. Staff had indicated that there were numerous fence permits in the E-zoning districts, which were inadvertently issued without a mechanism to first look at a potential open space problem. Mr. Connick explained that the owner would have the option to install a fence within their lot, even if their lot included open space and Council would need to decide if it would require gating to permit residents of the development access to that open space. He suggested that on further developments, the developers not be allowed to have excess open space to occur within lot lines. Mr. Connick stated that homeowner's rights to open space needed to be considered and indicated this issue would be a policy decision for Council. He reported that the problem came with the clause reading "deed restricted common areas must have unrestricted access for all residents." Mr. Connick advised that Stonebrook was proposing an unlocked latched gate.

Mayor Venis disclosed that he had spoken to several residents and the developer and he felt that the unlocked gate was a good compromise so those who wanted to walk around the lake would have access to the area.

Vice-Mayor Paul indicated that she had a problem with changing the definition and felt it would be vital to restrict this new definition to E-zoning. She asked if this could be dealt with case by case instead of changing the Code. Mr. Connick advised that numerous fences were permitted and already constructed in many of the E-zoning districts and that without a change in the Code, requested permits would have this as a precedent.

Mayor Venis stated that the Town made an error in issuing previous permits and now the Town would be correcting that error from this point on and permits would be issued correctly. Mr. Connick stated that in order for that to be done, the definition of open space would need to be changed and the ordinance would need to include something about fencing.

Councilmember Starkey asked about grandfathering in those in existence and suggested it would be as simple as requiring all future applications to provide a gate access with a fence. Mr. Connick agreed. Mr. Kutney stated that it was staff's intent to grandfather the existing fences, but those communities without fences could now ask for them to be included in their developments.

Discussion followed about the problems of fencing on a lake, the dangers of an open gate, and the special circumstances of E-zoning. Mayor Venis asked Mr. Kutney for the easiest way to correct this. Mr. Kutney agreed with Mr. Connick's recommendations, adding that development in progress may need to allow for fences to be put in place at their own risk, while the Code was being changed. Mr. Connick recommended against giving temporary permission if Council thought there would be a substantial change at some point.

Councilmember Starkey asked that if this was specific to open space, could this allow someone on an open space easement to ask for something similar. Mr. Kutney responded

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in the affirmative. Councilmember Starkey felt this was not appropriate and fencing for a lake addressed a specific safety need. Discussion followed regarding fencing requirements related to swimming pools

Mr. Kutney advised that Council should not be concerned about modifying the definition, as there were a number of issues coming up which could affect the definition. Mr. Connick stated that whatever Council's direction, the definition could be modified to reflect their request.

Mr. Kleiman agreed that the definition could be limited to lakefront and E-zoning. He felt this was not necessary and that the ordinance could be restricted through these changes. Mr. Kleiman spoke about the State's policy on swimming pools and there was no legal requirement to provide fencing to a water body. He felt that fencing down to the lakes would meet the resident's needs and open space access requirements of the Town. Mr. Kleiman added that there was no non-lake property for which fencing was requested.

Mayor Venis advised that a change would take time and a "hold harmless" agreement prepared by the Town could allow them to proceed.

Mayor Venis announced that item 7.8 was requested to be tabled until August 15th. Councilmember Truex asked for this item to be withdrawn or denied and requested that staff move expeditiously on a new study. Mayor Venis stated that he had spoken to Mr. Abraham about this item and a compromise had been reached. He reported that the compromise would not invalidate the study but a petitioner would need to make that calculation themselves. Vice-Mayor Paul stated that this request was two years old and an adjustment had not been made, so moving forward expeditiously was not possible.

Councilmember Truex felt that the compromise was an impossible standard. If the study could not be used, it would be impossible for petitioners to come up with their own calculations. He stated that the initial study was not prepared by the Town's Finance Department and a new study was not easy to do. Councilmember Truex spoke about the data that was used for the study and he felt that the study was not invalid but the best tool available. He added that there were some things not addressed in the study and there should be more detail in some areas. Mayor Venis stated that the study would not be invalidated, but those coming before Council would need to make the calculation with current figures.

Councilmember Truex made a motion to deny.

Mayor Venis felt this was a good compromise and the Economic Development Council was happy with it. He stated that nothing would be invalidated and the petitioner would need to show fiscal proof. Mayor Venis advised that he would not base a decision on a five-year-old study and added that the study would be updated in-house.

Councilmember Starkey agreed the study was flawed and decisions could not be made on this study. She would like to see this tabled for a resolution that all could agree on.

Councilmember Truex's motion died due to the lack of a second.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table until August 15, 2001.

Councilmember Truex asked about the status of the new study. Mr. Willi reported that this originally was a sample study but would be done as a Census study and would

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include every parcel in the Town, with a database that would grow with the changes in land use and rezonings. He stated that this would take time, but would be more effective. He stated that staff was ready to move forward.

Councilmember Truex asked when the study could be done. Mr. Willi stated that the best time to begin would be after the new budget had been adopted.

In a voice vote, with Councilmember Clark being absent and Councilmember Truex dissenting, all voted in favor. (Motion carried 3-1)

Mayor Venis advised that items 7.13, 7.14, 8.2, 9.2 and 9.12 had been requested to be tabled until August 1, 2001. Councilmember Truex advised that more time was needed on 7.13 with Mr. Willi indicating that item 7.13 needed to be tabled to September 5, 2001. Mayor Venis stated withdraw item 7.13.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

Mayor Venis announced that items 7.13 and 9.3 had been requested to be tabled until the first meeting in September.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

4. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS

JULY 4TH EVENT. Mayor Venis thanked staff for the fireworks and the success of the event in general.

DRAINAGE UPDATE. Mayor Venis stated that the following communities' outfall drains and lines had been cleaned: Orange Park, Western Hills, Sunshine Village and Cheron Village. He stated that all improvements were on schedule.

Mayor Venis advised that he had met with Mr. Alonso and Ms. Brooks from South Florida Water Management District to discuss the C-11 basin issue. He announced that this issue had been ranked as Broward County's highest priority and \$300,000 had been allocated for studies and improvements. The County would be holding its budget workshop meeting on September 12th and Mayor Venis urged all to attend. He indicated that the County was committed to helping the Town obtain grants for drainage improvements. One of the upgrades coming soon was a mechanical system for the Griffin Road canal on 441 to remove the weeds in front of the piping.

BAMFORD PARK BALLFIELDS. Mayor Venis reported that the fields looked great and the turf maintenance company had done a great job. He recommended that a professional company maintain all the fields. Mr. Bernard stated that a request for proposal was being done and 95% removal of the weeds was guaranteed.

58TH COURT. Mayor Venis advised that a petition was received from a resident on 58th Court regarding overgrown vegetation. He stated that there were several cases before the Special Master and this was being worked on.

DISASTER RECOVERY. Mayor Venis reported that he had met with Ashburt, Inc., which was a company that provided disaster clean up services after a hurricane. Their policy was

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to wait to get paid until after the Town was paid by FEMA. He indicated that this would be a no-cost item for the Town and would help keep the reserve intact. Mayor Venis asked Mr. Willi to put this on an upcoming agenda.

MILLAGE RATE. Mayor Venis stated that staff had been working on the budget and the first meeting was scheduled for the first week in August. He asked for a goal of having a reduction in the millage rate and also requested a pre-payment plan to pay some of the debt early.

COUNCILMEMBER TRUEX

LIAISON POSITION. Councilmember Truex spoke about a past meeting where he volunteered to be the liaison on the Griffin Road issue with Florida Department of Transportation and South Florida Water Management. He stated that there were ongoing issues and problems with the Davie Road/Griffin Road bridge and the landscaping on the north side of Griffin Road from Davie to the Turnpike.

COUNCILMEMBER STARKEY

CANCER FUNDRAISER. Councilmember Starkey indicated that she had volunteered to be “arrested” and donators could contact Town Hall to post bail for her. All proceeds would go to cancer research.

WETLANDS MITIGATION. Councilmember Starkey spoke about the conference on environmental permits.

JULY 4TH. Councilmember Starkey enjoyed the celebration. She advised that while on vacation, she saw an event for kids that included a special foam sprayed on the ball fields for the kids play in.

VICE MAYOR PAUL

CONGRATULATIONS. Vice-Mayor Paul congratulated Councilmember Clark on the birth of her baby.

STREET VENDORS. Vice-Mayor Paul indicated that there were many concerns by residents regarding safety with street vendors and asked that this issue be addressed again. Mr. Willi advised that the City of Pompano’s ordinance was challenged in court and the ordinance was successful. He stated he would like to move forward on this and indicated that the ordinance would include any vendor.

Councilmember Truex asked about an ordinance created by Mr. Kiar regarding people jumping in front of cars or clean-up needs and it was found that this could not be stopped. Mr. Willi advised this issue would only deal with public safety.

VANISHING SPECIES. Vice-Mayor Paul congratulated Jeff and Barbara Harrod on their recent presentation regarding the Vanishing Species.

CITRUS CANKER. Vice-Mayor Paul stated that diseased trees were found in Pan American Groves and there would be a burn at that location. The Department of Agriculture agreed to use an air curtain incinerator that eliminated smoke and sparks. She added that the Department of Agriculture was holding a meeting on July 24th on the 1900-foot rule. Pending any further litigation, August 6th would begin the removal of exposed trees in the north part of the County. Davie’s removal would begin in mid-September.

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WEATHER STATION ON ORANGE DRIVE. Vice-Mayor Paul noticed that a redwood fence surrounding this structure which had not been maintained and had become an eyesore. She asked that this fencing could be replaced.

LOU DONG PROPERTY PURCHASE. Vice-Mayor Paul stated that this owner was unable to access his property. She had asked for information on this and would like to find out what was happening on this matter.

SOUTHWEST RANCHES INDEPENDENCE PARADE. Vice-Mayor Paul stated that the Town participated in the Ranches' first parade and the first place award was given to the Town for its float. She asked that the award be given to Floyd Smith, who drove the float.

FLAMINGO ROAD AND STATE ROAD 84. Vice-Mayor Paul advised that this issue went before the Broward County Commission and this plan had been turned down. Mr. Willi planned to meet with Commissioner Lori Parrish to discuss this issue.

TRAFFIC STUDY SURVEY. Vice-Mayor Paul stated that a traffic study survey would be sent to a sample of residents in District 4 which she asked that residents to complete.

BLOCKADING 121ST AT 14TH. Vice-Mayor Paul asked if enough discussion was accomplished on this and asked for a report.

ISLA MERITA BUS STOP. Vice-Mayor Paul thanked residents for working on a bus stop. Mr. Willi reminded that a bus stop required County approval and part of the route needed to be changed.

CONGRATULATIONS. Vice-Mayor Paul congratulated Councilmember Starkey on her induction into the Soroptimist Club. The Club's 7th Annual Golf Tournament would be held on August 18th at Arrowhead Country Club.

OLD BRIDGE RUN. Vice-Mayor Paul stated that a promise was made to the residents that these canals would be cleaned out and questioned if this would be on the schedule.

RESPONSES FROM STAFF. Vice-Mayor Paul advised that it was very important that her questions and requests were responded to, as she sometimes did not hear anything back on issues. Mayor Venis spoke about the action forms that he used. Councilmember Starkey suggested that the tracking system and database be on line, and then questions and concerns could be entered in the Lotus Notes program.

AGRICULTURAL ORDINANCE. Vice-Mayor Paul asked if this ordinance could be put on the next meeting's agenda. Mr. Kutney stated that this ordinance needed to first be heard by the Planning and Zoning Board.

TREATMENT OF RESIDENTS AND CUSTOMERS. Vice-Mayor Paul spoke about a resident's request for a road, which had taken two years. She stated that voters and tax-paying residents needed help and guidance from staff, not roadblocks to their requests. Vice-Mayor Paul felt a policy of specific direction needed to be given at a first request rather than the resident having to accomplish something new at the completion of each step. She reported that she had witnessed a staff member being rude to a newcomer and felt that Mr. Willi needed to address the issue of customer-friendliness with staff. Vice-Mayor Paul referred to Councilmember Starkey's request at a previous meeting for a review of departments and asked that this be placed on an agenda. Vice-Mayor Paul recommended that Council's role with staff be discussed. Mayor Venis asked Mr. Willi to add this to the next agenda.

Mayor Venis acknowledged Mayor Lori Mosely from Miramar who was in the audience.

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5. TOWN ADMINISTRATOR'S COMMENTS

31ST COURT CLOSING. Mr. Willi stated that the unimproved right-of-way at 148th Avenue had been under review by the Engineering Department since 1993. The right-of-way concerns were raised again in 1999 when a firm was used to document trailways. Two years ago, 31st Court residents were given direction by staff about how to proceed with a road closing. After signatures were collected, residents were assured that the necessary improvements would be done. Mr. Willi spoke about the petition submitted for speed bumps in October 2000. A citizen petition was submitted in June of 2001, at which point Council turned this over to staff with the direction to investigate and take the necessary action. This traffic issue was discussed with the previous Council and at the rural preservation workshop held on June 28th. Mr. Willi indicated that this issue did not grow over night, but over the period of eight years.

SILVER LAKES PARK. Mr. Willi stated that the Florida Department of Transportation had accepted the site management plan for this park. He advised that the park site was 80% designed and ready to be budgeted.

EMPLOYEE RECOGNITION. Mr. Willi recognized Town employees for their outstanding work for the Town. Honorees included Ben Brickhouse, Susan DeSantis, Sheila Preston and Terry Roberts.

Councilmember Truex spoke about the SW 14th Street and SW 126th Avenue dirt road, stating that residents were not unanimously in support of closing this.

6. TOWN ATTORNEY'S COMMENTS

Mr. Connick advised that Mr. Kiar's report was included in the packet.

7. CONSENT AGENDA

Minutes

7.1 June 6, 2001 - Regular Meeting (tabled from July 3, 2001)

7.2 June 20, 2001 - Regular Meeting

Home Occupational Licenses

7.3 Angie L. Darr, 13900 SW 15 Court (tabled from July 3, 2001)

7.4 Maurice Menasche, AIA, 3690 SW 106 Terrace

Resolutions

R-2001-198 7.5 **AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE TOWN, THE SIXTH AMENDMENT TO THE INTERLOCAL AGREEMENT BY AND BETWEEN BROWARD COUNTY, THE TOWN OF DAVIE, AND THE OTHER MUNICIPALITIES WHO ARE PARTIES TO THE AGREEMENT FOR SOLID WASTE DISPOSAL SERVICES; AND PROVIDING AN EFFECTIVE DATE.**

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- 7.6
R-2001-199 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RENEWING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVID K. SIGERSON, JR. OF ERICKS CONSULTANTS, INC. TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES FOR FISCAL YEAR 2001.**
- 7.7 **POLICY AND PROCEDURES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING SPEED TABLE POLICY AND PROCEDURES FOR RESIDENTIAL AREAS.**
- 7.8 **ECONOMIC DEVELOPMENT STUDY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, INVALIDATING THE ECONOMIC DEVELOPMENT STUDY PREPARED IN 1997 BY DAVID M. GRIFFITH AND ASSOCIATES.**
- 7.9
R-2001-200 **CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE CLASS SPECIFICATION OF RISK MANAGER AND ASSIGNING A PAY GRADE, AND RETITLING THE CLASS SPECIFICATION OF PUBLIC WORKS/CAPITAL PROJECTS MANAGER TO PUBLIC WORKS/CAPITAL PROJECTS DIRECTOR AND ADJUSTING THE PAY GRADE IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.**
- 7.10
R-2001-201 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING CERTAIN AMENDMENTS TO THE TOWN'S "CONSOLIDATED PLAN FOR FEDERAL FUNDS 1997-2002" AND ALL APPLICABLE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM BUDGETS.**
- 7.11
R-2001-202 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE ACTION PLAN FOR FY 2001/02 FOR CDBG FUNDS WHICH INCLUDES THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM BUDGET; AUTHORIZING THE ACTION PLAN TO BE REFORMATTED ON THE COMMUNITY 2020 PROGRAM OR OTHER SOFTWARE PROGRAMS REQUIRED BY HUD; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL NECESSARY CERTIFICATIONS AND GRANT RELATED DOCUMENTS; AUTHORIZING THE TOWN ADMINISTRATOR TO MAKE MINOR, NON-SUBSTANTIVE CHANGES TO THE ACTION PLAN WHICH MAY BE IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR INTENT OF THE PLAN; AND AUTHORIZING SUBMISSION OF THE PLAN TO HUD**
- 7.12
R-2001-203 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARDED BY THE STATE OF FLORIDA, BID #424-001-01-1, FOR THE WORKSTATIONS AND OFFICE FURNITURE**

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Site Plans

7.13 STAFF REQUESTING A TABLING TO AUGUST 1, 2001

SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor) (tabled from May 16, 2001) *Planning and Zoning Division recommended denial; Site Plan Committee recommended denial*

7.14 PETITIONER REQUESTING A TABLING TO AUGUST 1, 2001

SP 11-2-00, Long Lake Ranches, 3501 Nob Hill Road (AG and E) (tabled from July 3, 2001) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report; subject to the applicant coming up with additional architectural treatment on the other three sides of the houses to identify them with their fronts; that the clubhouse tower be recessed to give it some depth and that Bahama shutters be added; Subject to a Town appointed representative going into the entire area, parcels A, B and C if necessary, to assess the presence of wildlife and make recommendations for its removal*

7.15 SP 3-7-01, New Storage Warehouse for Designed Traffic Installation, Co., 4601 SW 30 Street (M-4) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the staff 's report*

7.16 SP 4-4-01, Rolling Hills Executive Center III/Rolling Hills Golf & Tennis Club, SW 30 Street west of University Drive (B-2) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to staff's recommendations, eliminating number four, in order to review signage under separate approval; to include the landscape architect's seal on all necessary documents; to increase the height and number of Carpentaria Palms to be approved by Mr. McClure; to add accent plants to the landscape bed; to add an architectural enhancement on the back wall (within the three-window band at the center of the west elevation to be similar to the front elevation}, to be reviewed by Chair Evans*

7.17 SP 5-2-01, Florida Power & Light Company Gulfstream Service Center, 4000 Davie Road Extension (U) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to staff's comments and adding that pavers be placed in the driveway next to a 26-inch caliber Oak tree and to eliminate the two parking spaces next to that tree; that a letter of responsibility be secured; and to frame the existing, exposed two "T"s and stucco them to match the facia on the new building*

Mayor Venis advised that item 7.11 was being renumbered as item 9.4.

Vice-Mayor Paul asked that item 7.7 be removed from the Consent Agenda. Councilmember Truex asked that items 7.3, 7.6, and 7.16 be removed.

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Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda without items 7.3, 7.6, 7.7, 7.11 and 7.16. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

7.3 Councilmember Truex asked about the mailing at the home. An unidentified woman indicated that no mailings for the business would be sent from her home.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

7.6 Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve subject to adding language that the Town be given an itemized bill from the lobbyist before it was paid. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

7.7 Vice-Mayor Paul felt it would be a good idea to broaden this resolution to include other types of initiatives in relationship to traffic calmers and maybe revise some of the points in the resolution.

Mr. Willi stated that staff would proceed with an area-wide traffic study and advised that the resolution only discussed speed tables. He suggested that Council take no action, but perhaps give staff a moratorium on speed humps until the study was complete and then a whole range of devices could be brought in.

Vice-Mayor Paul felt this would make it more difficult for people to get speed humps. Mr. Willi stated that speed humps were a liability to the Town as they were an unbudgeted item. Vice-Mayor Paul asked that this be tabled to allow Councilmember Clark to be at a meeting.

Mr. Arner stated that the proposed speed hump policy was based on other policies that had stood the test of courts. It was necessary to justify a need before putting them in, which was what the policy accomplished. He reported that he received two to three petitions each week for speed humps and advised that criteria for establishing other traffic calming measures was needed. Mr. Arner indicated that it was important to determine if it was a real or a perceived problem and law enforcement support was necessary. He felt having a methodology in place would allow for using a method other than speed humps that may be more appropriate in a given situation. Mr. Arner spoke about a manual that indicated different levels of service and the highway capacity software that indicated specific appropriate criteria. This would allow the ability to do more than say "yes" or "no" to a speed hump request.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to table until August 15, 2001. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

7.16 Councilmember Truex asked the Site Plan Committee's conditions of the necessary concurrence by Mr. McClure and Mr. Evans and questioned if these issues had been taken care of. Mr. Kutney responded that the issues were still pending. Councilmember Truex questioned how the petitioner felt about the conditions. An unidentified man indicated that the petitioner was in agreement and indicated that some of the conditions had already been handled.

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Councilmember Truex stated that he hoped that issues would be taken care of before coming before Council. Mr. Kutney stated that there had been pending issues in the past and indicated that he and Mr. Willi would be meeting on this matter. Mr. Kutney explained that site plans were heard by the Site Plan Committee just before a Council meeting. He indicated that staff was looking at adding two weeks to the process in order to allow staff to agendize items properly.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

8. PUBLIC COMMENTS

Ordinances- First Reading (Public Hearing to be held on August 1, 2001)

8.1 STAFF REQUESTING A TABLING TO AUGUST 15, 2001

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32(B), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, MOTORCYCLE SHOPS AND MOVERS; AND AMENDING SECTION 12-32(C), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, BOAT SALES, BOAT RENTAL, MOBILE HOMES, MANUFACTURED HOUSING, RECREATIONAL VEHICLE SALES, HORSE TRAILER AND MOVING TRAILER RENTAL, MOVERS, AND TAXI SERVICE ESTABLISHMENTS; AND AMENDING SECTION 12-34 ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED REGULATIONS REGARDING THE SITING OF SUCH USES; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF VEHICLE SALES AND RENTAL; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 6-1-01)

This item was tabled to August 15, 2001.

8.2 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL, APPLICATION LA 01-2A AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO PROVIDE A COMMERCIAL LAND USE CLASSIFICATION TO A PARCEL OF LAND RECENTLY IDENTIFIED AS BEING WITHIN THE TOWN OF DAVIE BOUNDARIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (LA 01-2A)

This item was tabled earlier in the meeting.

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- 8.3 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-1, LIGHT INDUSTRIAL DISTRICT TO RS, RECREATION/OPEN SPACE DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-2-01, Town of Davie, 4200 SW 61 Avenue)

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.

Mayor Venis advised that a public hearing would be held on August 1, 2001.

Councilmember Truex 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 - absent; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

- 8.4 **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING AN INGRESS AND EGRESS EASEMENT WITHIN A PORTION OF TRACT 14 IN SECTION 33, TOWNSHIP 50 SOUTH, RANGE 41 EAST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 4-1-01, FLR Company, 5000 SW 82 Avenue)

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.

Councilmember Truex 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 - absent; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

9. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinance - Second and Final Reading

- 2001-36 9.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 HACIENDA VILLAGE, LIGHT HEAVY INDUSTRIAL DISTRICT, TO U, UTILITIES DISTRICT AND M-2, MEDIUM INDUSTRIAL 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 4-4-01, Lammert/Florida Power & Light, 4900 Oakes and 3700 Kean Road)

Town Clerk Muniz read the ordinance by title.

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

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Councilmember Truex 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 - absent; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

Quasi Judicial Item

9.2 **VARIANCE** - V 4-1-01, Anthony-Sylvan Pools Corp./Adams, 13101 SW 16 Court (A-1) (to reduce the required side yard setback from 25 feet to 21.5 feet) (tabled from July 3, 2001) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

Item to be tabled

9.3 **PETITIONER REQUESTING A TABLING TO SEPTEMBER 5, 2001 TEXT AMENDMENT** - ZB(TXT) 4-1-01, The Big Orange Development, Ltd./Margolis and Spielman (tabled from June 20, 2001)

This item was tabled earlier in the meeting.

9.4 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE ACTION PLAN FOR FY 2001/02 FOR CDBG FUNDS WHICH INCLUDES THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM BUDGET; AUTHORIZING THE ACTION PLAN TO BE REFORMATTED ON THE COMMUNITY 2020 PROGRAM OR OTHER SOFTWARE PROGRAMS REQUIRED BY HUD; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL NECESSARY CERTIFICATIONS AND GRANT RELATED DOCUMENTS; AUTHORIZING THE TOWN ADMINISTRATOR TO MAKE MINOR, NON-SUBSTANTIVE CHANGES TO THE ACTION PLAN WHICH MAY BE IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR INTENT OF THE PLAN; AND AUTHORIZING SUBMISSION OF THE PLAN TO HUD

Town Clerk Muniz read the resolution by title.

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

Shirley Taylor-Prakelt, Director of Housing and Community Development, stated that the Town would receive \$583,000 with this grant which would be added to the Housing and Community Development budget. Capital improvements would be the focus, as well as a Boys and Girls Club in Driftwood. She reported that the Town was awarded an additional \$500,000 in bond funds for this facility and this project was fully funded. She thanked the Town and staff for their support.

Vice-Mayor Paul 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 - absent; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

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10. APPOINTMENTS

10.1 Youth Advisory Board (one exclusive appointment - Mayor Venis; term expires April 2002)

Mayor Venis deferred his appointment and asked Council for suggestions.

10.2 Child Safety Board (one exclusive appointment - Councilmember Truex; term expires July 2002)

Councilmember Truex deferred his appointment.

Vice-Mayor Paul stated that she had appointed Delia Raclaw to replace Dudley Jones. She indicated that Ms. Raclaw should have been notified and allowed to participate immediately, not beginning in August as a regular appointment. The Board had been having trouble not having a quorum for two meetings now and Ms. Raclaw needed to be notified of her appointment so she could attend the next meeting. Town Clerk Muniz indicated that he would look into this.

10.3 Open Space Advisory Committee (one exclusive appointment - Councilmember Clark; term expires July 2002)

As Councilmember Clark was not present, her appointment was deferred.

10.4 Parks and Recreation Advisory Board (one exclusive appointment per Councilmember; terms expire August 2002)

Councilmember Truex deferred his appointment. Vice-Mayor Paul appointed Mark Solomon. Mayor Venis appointed Joette Alongi. Councilmember Starkey appointed Doug Notman. As Councilmember Clark was not present, her appointment was deferred.

10.5 Davie Water and Environmental Advisory Board (one exclusive appointment - Councilmember Clark; term expires December 2001)

As Councilmember Clark was not present, her appointment was deferred.

11. OLD BUSINESS

There was no old business to discuss.

12. NEW BUSINESS

12.1 Advisory Boards - Councilmember Truex

Councilmember Truex stated that the number of advisory boards had grown, which had created an additional workload in the Town Clerk's Office and had cost the Town money. He did not suggest consolidating boards, but over a staggered period of years most, not all, boards should be phased out. Councilmember Truex explained that he would like to draft an ordinance that would standardize the number of members for boards with the possibility of two categories. He suggested a procedure for appointment and removal of board members, qualifications, criteria for the creation of boards, and a provision to establish a specific board for a one-time limited purpose. Councilmember Truex stated that he would work with staff to create an ordinance. He added that he felt it was important for some boards to periodically justify their existence, that there be a requirement to report to Council as well as a requirement to provide an annual report for the public.

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Councilmember Starkey agreed and felt that issue was a time sensitive matter. She pointed out that some boards were working on the same issues and could either be sunsetted or consolidated. Councilmember Starkey said that some boards could have subcommittees and added that some were interrelated such as the Parks and Recreation Advisory Board, the Youth Advisory Board and the School Advisory Committee; the Open Space Advisory Committee and the Davie Water and Environmental Advisory Board; and the Davie Agricultural Advisory Board and the Agrarian Committee.

Vice-Mayor Paul agreed that staff was stressed and the number of boards needed to be reduced. She also recommended boards that could be combined such as the Child Safety Board and the Youth Advisory Board or the Youth Advisory Board and the Senior Citizen Advisory Board; and the Open Space Advisory Committee and the Davie Water and Environmental Advisory Board or the Parks and Recreation Advisory Board. Vice-Mayor Paul stated that some type of reorganization needed to be addressed soon as it had gotten to the point of being cumbersome for staff.

Council decided that this issue should be placed on the October 3rd agenda.

12.2 Waiver of Code Section 12-309(C)(5) which requires that the Planning and Zoning Board not consider a second request for variance within one year - Home Depot USA, Inc., 5801 South University Drive

This item was previously tabled.

12.3 Rescheduling Town Council meeting of 9/05/01 to 9/06/01 to incorporate initial Budget Hearing

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to approve. In a voice vote, with Councilmember Clark being absent, all voted in favor. (Motion carried 4-0)

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 9:57 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk