

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

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 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 Clark, Starkey and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING (7:05 p.m. - 7:35 p.m.)

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

Wayne Arnold, representing the Davie Merchants and Industrial Association, had previously submitted a resolution requesting that the Town's Development Services Department be instructed to add more permitted uses to the Residential/Office Zoning District. With regard to the matter of Maria and Bill Thomas, he felt that the Development Services Department had not exactly spoke with one voice and he was concerned about personal views being expressed by staff. He read a letter from Cindy Osborne of Osborne Hardware, that expressed favor in broadening permitted uses in the Residential/Office Zoning District, and agreement with the proposed resolution. Mr. Arnold asked that the Development Services Department reach out to the citizens on matters of concern and try to work things out.

Norm Blanco, 2080 SW 72 Avenue, agreed with Councilmember Truex's previous suggestion to change the format of the meeting with respect to presentations, so as not to delay the remainder of the meeting. There was a perception in the community that Mr. Willi was hired as a hatchet man as Council needed to have staff terminated and wanted Mr. Willi to handle it. Mr. Blanco stated that it seemed that the best and brightest Davie staff had been leaving in the past few months. Since Mr. Willi's appointment, there had been no clear direction to the Town Administrator's Office from Council, but rather attacks and criticism. Such discussions, he felt, should be done privately. With respect to Wes Griffin, he encouraged a lasting memorial be arranged.

Bruce Novak expressed his opinion about the usefulness and collaborative spirit of various staff members and elected officials. He noted that Veteran's Day was approaching and hoped it would be remembered properly by everyone.

Jason Curtis, 3801 Flamingo Road, announced that he would be receiving the Florida Young Farmers Award from the Florida Jaycees this week and thanked everyone for their support. Also, everyone in the agricultural community would like to thank the Town for recognizing the importance of agriculture in Davie with the Farm City Week Proclamation.

Julie Aitken, 3801 Flamingo Road, advised that at the last Council meeting, she made a presentation on behalf of the Agricultural Advisory Board regarding implementation of a rural preservation mandate. She was concerned that no joint meetings between staff and the Board had been scheduled. In the absence of any interaction with staff, she had called an emergency meeting of the Agricultural Advisory Board to move ahead with finalizing a draft ordinance so there would be something concrete to present to the Council at the workshop.

Dean Alexander, Chair of the Senior Citizen Advisory Board, advised that one of the Board's major projects had been to secure a piano for the multi-purpose community room

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at Pine Island Park, which would be the property of the Town. About \$2,200 had been raised and the selected piano, a Yamaha, cost about \$4,500. He asked for the Town to absorb the difference. Vice-Mayor Paul requested this item be placed on the next agenda.

Michael Davenport, 14041 SW 22 Place, advocated the start to a "Know Your Neighbor" campaign. The September 11th tragedy demonstrated that people must watch and care for one another, as well as know each other. He asked that Council contact the Crime Watch Coordinator and lend support to reactivating that organization.

Richard Weiner, 10244 SW 18 Street, extended his apology to Vice-Mayor Paul with respect to the recent news article concerning retention of a lobbyist for the Town. He asked for an opinion from the City Attorney if a Councilmember purchased property in another municipality and obtained a homestead exemption in that city, would he or she have to cease serving as a resident of the Town. Also, he asked if that individual would be able to vote in Davie. Council objected to direction being given to the City Attorney from a resident. Mr. Weiner withdrew the request.

Mayor Venis advised that items 10.3 and 10.4 would be heard after presentations.

4. PRESENTATIONS (7:35 p.m. - 7:38 p.m.)

4.1 Transit Oriented Concurrency System - Elliot Auerhahn

Elliot Auerhahn, Development Management Director for Broward County, requested an expression of support to change concurrency requirements to require transit contributions from developers.

Mayor Venis advised that items 8.11 and 10.6 had been withdrawn and item 8.39 needed to be tabled.

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

State Representative Jack Seiler discussed the House of Representatives plans to cut \$1.3 billion from the State budget and \$1.4 billion the next year in the areas of education, health care, human services, law enforcement, and public projects. He encouraged Council to stay involved and asked that Council and the community oppose any juvenile justice program cuts.

10.3 and 10.4 Mr. Kiar explained the rules concerning the presentation of evidence. Mark Kutney, Development Services Director, combined the presentations for 10.3 and 10.4 with the permission of Mr. Kiar and Barbara Hall who represented the petitioner.

Mayor Venis swore in the witnesses.

Ms. Hall requested that the concept master plan be incorporated into the ordinance, so that it was a condition of the B-3 zoning, and any change to the master plan would require an amendment to the ordinance.

Donald Hall, Bill Spencer, Terry Stiles, Steve Fleischer, Bob Breslow were present representing the petitioner.

Ms. Hall provided a package of exhibits to Council and advised that copies had already been provided to Mr. Spencer and Mr. Mancuda.

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Councilmember Truex disclosed that he had met with representatives of the petitioner and residents and had received a number of e-mails. He advised that he had received letters from Claudette Bonneville to Stiles Corporation; from Mr. Richard Abraham, representing Davie Economic Development Council and from Mr. Mancuda.

Vice-Mayor Paul disclosed that she had met with representatives of the petitioner, members of the Laurel Oaks Homeowners Association, Claudette Bonneville. She indicated that she had also received a number of e-mails.

Mayor Venis disclosed that he had received e-mails and had met with representatives of the petitioner and Claudette Bonneville. He advised that he had also received letters from the David Economic Development Council.

Councilmember Clark disclosed that she had met with representatives of the petitioner and Claudette Bonneville. She added that she had also received a number of e-mails.

Councilmember Starkey disclosed that she had met with representatives of the petitioner, Mike and Claudette Bonneville, Danny and Barbara Belyeu, Laurel Oaks residents, Mr. Breslow, and Mr. Lamue. She advised that she had also received a number of e-mails.

Mr. Kiar indicated that there was no objection to the petitioner submitting Exhibits I and II into the record. For the benefit of the public, Ms. Hall read the index of the documents submitted.

Mr. Fleischer provided a hard-copy of the PowerPoint presentation for Westridge Commons to Council and Mr. Mancuda and made his presentation.

Mr. Breslow discussed the taxes that were currently being paid and discussed the demographic report. He presented resolutions from the Davie Economic Development Council and the Davie Merchants and Industrial Association which supported the shopping center (Exhibits III and IV).

Ms. Hall asked that the package provided to Council and from which the petitioner representatives have testified from, be marked as Exhibit V, as well as a hardcopy of the presentation be marked as Exhibit VI.

Jeff Preston, Real Estate Specialist for Publix Supermarkets, indicated that there were three stores within 2 miles of the proposed location; because of the growth and these stores performance, it was necessary to add a store.

Judd Filanchik, Building, Zoning & Planning Director of the City of Key Biscayne, explained his background and Ms. Hall submitted Mr. Filanchik's resume as Exhibit VIII. Mr. Filanchik discussed the location and zoning request.

David Mancuda, representing the residents of Laurel Oaks, declined the opportunity to cross-examine. He indicated that it was obvious that the requested B-3 zoning was not compatible which he contended that this was the position of the Town staff. He discussed the Comprehensive Land Use Plan, Goals and Objectives and read portions of them. With regard to discussion between Laurel Oaks residents and the developer. Mr. Mancuda explained that the only thing on the table was a Publix shopping center and felt what should have occurred was a meeting between Town staff and residents. He discussed the concessions made by the developer and contended that the developer began discussions with the best case scenario, therefore such concessions were already anticipated by the developer. He believed that this development would set the stage for future development along Flamingo Road.

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Claudette Bonneville, President of the Laurel Oaks Homeowners Association, was opposed to the shopping center on the corner and advised that she had a petition of 62 signatures in opposition to the B-3 zoning. The petition was submitted as Exhibit X along with the Stonebrook petition that was submitted at the Planning & Zoning Board meeting. Ms. Bonneville submitted a petition with a total of approximately 500 signatures which was submitted as Exhibit XI. She took issue with the usefulness of the riding trail being proposed and was concerned about this type of development along Flamingo Road.

Kevin Crowley, 11892 Acorn Drive, opposed the B-3 zoning and summarized what took place at the Planning & Zoning Board meeting.

Marianne Bruno, 10715 SW 17 Place, indicated she was a subcontractor for Stiles Corporation and remarked about the quality of building, superior leadership and honesty of Mr. Stiles.

Michael Malecka, 11895 Oakleaf Drive, was disappointed with the lack of different development ideas offered by the developer and indicated his opposition to the request. He asked that Council's decision be based on common sense, management of Orange Drive and the Flamingo Road corridor.

Mike Bonneville, 11872 SW 42 Court, pointed out that everything positive said about this proposal was being said by someone being paid by Stiles Corporation. He hoped the Council did the right thing.

Paul Pappas, 11845 SW 44 Street, disagreed that this development would be compatible with the surrounding area and he wanted the rural nature of Davie not to change. He was concerned about the impact on future development of Flamingo Road.

Lawrence Smith, 11888 Silver Oak Drive, disagreed with the developer's contention that traffic on Orange Drive would not increase. He strongly urged rejection of the B-3 zoning.

Craig Allen, 11941 Oak Leaf Drive, was concerned about the close proximity of the development to the residential neighborhood and disturbing the rural atmosphere.

Laurie Manning, 2144 SW 114 Avenue, encouraged preserving the rural nature of this town. She questioned the Council's judgment in permitting this shopping center that would be within walking distance of such environmentally sensitive land.

Kay Riordan, 11852 Ridgeview Drive, discussed the unsightliness of the back of any Publix. As a businessperson, she praised both Publix and Stiles Corporation, but did not wish to live next to a Publix. She felt that single family residences could bring in a comparable amount of taxes as the proposed shopping center.

Karen Creech, 11875 Ridgeview Drive, did not believe that the names of the residents in her neighborhood of six homes were on the petitions submitted by Ms. Bonneville. She was concerned about the potential traffic on Orange Drive.

Marni Blum, 325 NW 106 Terrace, was concerned about the potential traffic on Orange Drive and questioned the viability of the horse trail proposed by Stiles.

Ted Larson, 11868 43 Court, was opposed to the B-3 zoning because of the uses that might not be conducive to a family life style and to so much commercial development.

Ron Phillips, 11916 Acorn Drive, indicated that a 10 foot berm and Cypress trees were not effective sound barriers. He asked that Davie be maintained as rural.

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Roslyn Malecka, 11895 Oak Leaf Drive, listed the shopping centers in the vicinity of Laurel Oaks and surrounding residential neighborhoods which was a saturation. She submitted information as Exhibits XII and XIII.

Bruce Yasukochi, 11847 Green Oak Drive, indicated that few of the commercial developments along Griffin Road and Orange Drive were prosperous, yet those developments were approved in the same fashion as was the situation this evening. He opposed the petition.

Robert Black, 14060 Langley Place, favored the rezoning because of the immediate economic boost to the tax base and the quality and caring nature of Stiles Corporation.

Angel Palank, Cooper City Commissioner, was opposed to the rezoning and felt that saying no to this project was valid as quality planning. She advised that Cooper City had made concessions to keep Orange Drive rural and this rezoning would be inconsistent with the neighboring parcels.

Mr. Mancuda, representing the residents of Laurel Oaks, read the Land Development Code, Sections 12.4, 12.5, 12.24 and contended that this area was a low density, rural area. He indicated that the proposed development would impact the value of the existing houses as well as adjacent areas yet to be developed and believed that Council was not obligated to grant this rezoning.

Ms. Hall pointed out that quite some time ago, the Town had designated very restricted commercial areas and two of them were at the corner of Flamingo Road, which had been planned for 24 years. She outlined the properties surrounding this development that justified the B-3 designation. Ms. Hall stated that the development would be accessed primarily through Flamingo Road and the only access on Orange Drive had been moved as close to Flamingo Road as possible.

Ms. Hall continued to say that Stiles had done everything possible to make this a project with which the residents would be happy. She advised that the residents had asked that a light pole height be lowered to 25 feet and for a wall the length of the project along Flamingo Road, which was not possible. However, Stiles had agreed to bring the wall around the rear of the property in line with the stores in the rear, so as to create a wall in front of the stores as far as possible. Ms. Hall indicated that more than significant landscaping had been planted on the berm and virtually all the issues in the letter from the Laurel Oaks Homeowners Association were addressed with the exception of the gas station and the wall on Orange Drive. In summary, she believed this shopping center would be a good neighbor to the residential area and to the Town.

Mr. Fleischer described what could be built under B-1 or B-2 and denial of B-3 in favor of B-1 or B-2 would forfeit the ability to control the master planning of the property, which included aesthetics and deed restrictions. He discussed the Westridge Commons exhibit and read the letter from the Laurel Oaks Homeowners Association President which Ms. Bonneville had entered as an exhibit. Mr. Fleischer advised that Stiles had addressed almost every concern and many beyond what was requested. He stated that the comments made tonight by the residents were inconsistent with what they had been indicating throughout the process.

Mr. Mancuda objected to using scare tactics as to what might happen with a B-1 and a worst case scenario.

Mayor Venis closed the public hearing.

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Vice-Mayor Paul asked for clarification on whether the Laurel Oaks homeowners owned part of the canal, which would lessen the distance from the commercial site. A resident from the audience noted that they own approximately 80 feet.

Councilmember Truex asked if the only development choices were B-1, B-2, or B-3 under this land use. Ms. Hall indicated that Mr. Mancuda had alluded to residential and advised that the plan provided for residential in a mixed residential/commercial project. Mr. Kutney advised that there were a number of zoning districts which were not often applied. In the commercial category, the districts that the Town had most applied in the past had been B-1, B-2 and B-3.

Mr. Mancuda indicated that the commercial zoning being relied upon by the petitioner was a designation in the Comprehensive Land Use Plan, not from the Zoning Code. There was a list in the Plan of appropriate uses, not B-1, B-2, or B-3. Mr. Kutney explained that he was advising what zoning districts in the Land Development Code that could be used to implement the commercial designation in the Land Use Plan.

Mayor Venis asked Mr. Kutney to address the traffic issues which Mr. Kutney explained. Mr. Kutney indicated that his comments were based directly from the Comprehensive Plan. He believed that a lot of the traffic on Orange Drive, even though it was a collector, was from people who live in the area and asked the petitioner to consider working with staff, although they were not required to do so. Mr. Kutney stated that a trips run analysis would be required as part of the plat process. Ms. Hall indicated that it had been submitted into evidence that at 200,000 square feet, the property met traffic concurrency.

Vice-Mayor Paul discussed the hesitancy she would have in horseback riding to the horse trails that were being provided by Stiles. Her vision had been to maintain Orange Drive with a linear park concept and to make it a scenic route with rural character. When she met with Ms. Hall and Mr. Fleischer, she inquired about doing something different than what was being proposed. The response was that there was no density or call for anything upscale in that area and that upscale would probably go to Weston. In response to the argument that there was B-3 across the street, Council had been told that everything was judged on its own merits. With respect to the roadways, she preferred more traffic on a single-lane Griffin Road than to see what changes widening would bring. She expressed opposition to the request.

Councilmember Truex felt the proposal was a good one. He did not think that this area was prime for commercial development and if one road was sacrificed to keep Orange Drive rural, then he did not feel good about turning it into anything else. Councilmember Truex indicated that there would be tax revenue in any event from whatever was developed at this site. The petitioner was entitled to some commercial usage, however, the adjacent residents were the best judges of what went well in their neighborhood. A petition of 100% said a lot about how solid the neighborhood's opposition was. In answer to Councilmember Clark, Councilmember Truex did not think it would be right to suggest another zoning district like B-1 this evening, but there were other choices.

Mayor Venis commented about Stiles being a top-notch developer and indicated that he had met with their representatives on several occasions. He read from the planning report of item 10.4 and indicated that no one could tell him with certainty that other

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commercial designations would be different with respect to the tax base, and that the development would not have a negative impact on the surrounding neighborhoods. He opposed the request.

Councilmember Starkey explained that her intent had always been to put the residents in the driver's seat with a quality developer such as Stiles. She found instances of inconsistencies and incompatible land uses in the planning report. Councilmember Starkey advised that she had encouraged the developer to first hold a workshop with the community, which did not happen. She advised that she was opposed to the request.

Councilmember Clark did not feel that Mr. Mancuda had given good advice in recommending that the homeowners stop negotiations and felt that Stiles had done an excellent job. She predicted that future development proposals would not be as good as this one and that Laurel Oaks would not support anything because they wanted the zoning to remain agriculture. She would not vote against what the Town's Comprehensive Land Use Plan that provided for commercial at that location.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, 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 recessed the meeting at 11:40 p.m. and the meeting reconvened at 11:50 p.m.

10.5 Mayor Venis swore in the witnesses. Mr. Kutney summarized the planning report. Robert Suede, representing the petitioner, was present.

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

Vice-Mayor Paul 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)

10.2 Town Clerk Muniz read the ordinance by title.

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

William Fayle, a resident of Long Lake Estates, was opposed to fencing to the lake. He provided documents which were labeled as exhibits A, B, and C. He advised that the ordinance provided that homeowners must submit documentation that they had received approval from their homeowners association in order to receive a fence permit. Homeowners probably had a vested legal right to assert their rights to that open space and that was not something the Town would get involved in.

Carol Cohen, a resident of Long Lake Estates, wanted the freedom to make this decision independent of the Town and should be handled by homeowner associations. The homeowner documents for Long Lake Estates indicated that residents were not to walk around the lake into the rear of other people's property. She submitted a survey on this matter (Exhibit D).

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Chris Wood, 10282 North Lake Vista Circle, wanted to extend their fence down and parallel to the lake. She was disturbed about the view of the lake being interrupted by a fence.

Susan Rolin, 1035 SW 119 Way, wanted to erect a fence around the perimeter of her backyard. She advised that her permit application had been denied, yet neighbors either had a fence or bushes to the property line. Ms. Rolin furnished a letter from the homeowners association consenting to the Town granting a fence permit.

Neil Kalis, representing Stonebrook Estates, concurred with the proposed ordinance which addressed properties that back up to lakes. A separate ordinance may need to be considered for other open space issues.

Mayor Venis closed the public hearing.

Councilmember Clark commented that this issue had been ongoing for months, and asked what was being done. Mr. Kutney explained that it was not possible to issue the permit without some kind of an amendment and indicated that this ordinance only addressed lakefront properties. He suggested an administrative rezoning and corresponding Master Plan Development petition, at no cost which could have to be done by staff on an individual development basis.

Councilmember Truex asked what should be done when one fence was five feet and another was four feet. Mr. Kutney responded that the Town would be forced to issue a building permit and could not do so until all of the requirements meet the Code.

Vice-Mayor Paul acknowledged these things needed to be addressed, but wanted them to be brought forward separately. Councilmember Truex felt this was opening the door to fencing open spaces of this nature and was not workable. He did not feel it was fair to address this piecemeal and it should be resolved for everyone at one time. Councilmember Starkey pointed out that it was never intended to be public and it was intended to be an easement around the lake for maintenance.

In answer to Vice-Mayor Paul, Mr. Kalis agreed that if the ordinance was not passed, all of the incorrect permitted fences would remain with the terminology of indefinite. He urged passage. In answer to Councilmember Clark, Mr. Kalis explained that the homeowner association was generally required to maintain their lake.

Councilmember Starkey indicated that she had discussed this issue with staff and they had indicated they would attempt to resolve a lot of the issues regarding open space as it related to the canals and in other categories as well. This ordinance would not resolve everything, but it would resolve lakefront inequities.

Councilmember Starkey made a motion to pass on second and final reading the ordinance listed under 10.2 B with the exclusion of the paragraph that read "in the event the lakefront property owner decides to construct a fence that runs parallel". She indicated that she would rather it say a minimum of five feet from the highest water point of the lake or from water's edge. Councilmember Starkey indicated that the ordinance had to include the paragraph for grandfathering in 10B. The motion died due to the lack of a second.

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

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____ Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve 10.2B with the exception of the portion in the event that a lakefront property through 20 feet from the high water point of the lake. 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 - no. (Motion carried 3-2)

10.1 Town Clerk Muniz read the ordinance by title.

Bill Laystrom advised that the declaration of restrictions had been executed by Mr. and Mrs. Zacco, which he had submitted. Improvements to SW 51 Street would be accomplished simultaneously.

Mayor Venis asked if anyone wanted to speak for or against this 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)

10.7 Mayor Venis swore in the witnesses. Mr. Kutney summarized the staff planning report. Staff recommended approval.

Donna West, representing the owner, was present.

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

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)

9.1 Mayor Venis announced that the public hearing on this item would be held on November 20, 2001. Town Clerk Muniz read the ordinance by title.

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)

10.8 Mayor Venis suggested that this item be tabled as the petitioner was not present.

Councilmember Clark made a motion, seconded by Councilmember Truex, to table to November 20, 2001. In a voice vote, all voted in favor. (Motion carried 5-0)

9.2 Town Clerk Muniz read the ordinance by title.

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

Julie Aitken, 3801 Flamingo Road, advised that she and Councilmember Truex had written a replacement for Section 12-34(B) which incorporated the Broward County Farm amendments and how they handle the same situation. Councilmember Truex apologized for

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not making arrangements to have the information distributed to Council. He advised that there was a procedure to ensure that there were only legitimate farmers and Ms. Aitken added there was a procedure for administrative hearings, if there was a dispute. Councilmember Truex noted that the Planning and Zoning Board recommended the section not be deleted without something in its place. He asked that this be placed on the next meeting agenda as a report.

Ms. Aitken explained that the Planning and Zoning Board had recommended that a replacement ordinance be considered simultaneously with the deletion of this Code section. Mr. Willi indicated there would be no harm in proceeding with the first reading of the this ordinance with final reading on November 20th, along with first reading of the replacement ordinance which would have its final reading the first meeting in December.

Jason Curtis advised that if the Code section was deleted, State law would still have precedence.

Mayor Venis closed the public hearing.

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 - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

With respect to the zoning in progress, Mr. Kiar had been asked to recommend a land use attorney and he recommended the firm of Steele, Hector and Davis. He noted that this firm did represent Florida Power & Light, however, the Town could discharge them if there was a conflict but he did not see it as a problem. Vice-Mayor Paul was concerned about the FP&L conflict.

An unidentified man advised that most matters that Steele, Hector and Davis worked on for FP&L were litigation and there was protective language for the Town. He indicated that the scope of services did not involve any electrical tower.

Vice-Mayor Paul asked Mr. Kiar if he had spoken to any firms in Broward County. Mr. Kiar advised that he had spoken with George Platt and Andy Marotis, who was the attorney for the City of Deerfield Beach and the City of Parkland, and serves on the Planning Council.

Councilmember Clark made a motion, seconded by Councilmember Starkey, to retain the services of Steele, Hector and Davis. In a voice vote, with Vice-Mayor Paul dissenting, all voted in favor. (Motion carried 4-1).

- 5. MAYOR/COUNCILMEMBER'S COMMENTS**
- 6. TOWN ADMINISTRATOR'S COMMENTS**
- 7. TOWN ATTORNEY'S COMMENTS**

No comments were provided.

8. CONSENT AGENDA (1:24 a.m. - 2:16 p.m.)

Minutes

- 8.1 August 15, 2001 - Regular Meeting
- 8.2 September 6, 2001 - Regular Meeting
- 8.3 September 19, 2001 - Regular Meeting

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Proclamations

- 8.4 Native American Heritage Month (November 2001)
- 8.5 Farm City Week (November 17 - 23, 2001)

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- 8.6 Grand Opening Day for the NSU Library, Research and Information Technology Center (December 8, 2001)

Home Occupational Licenses

- 8.7 Ahari Cabinet Co., 14721 SW 21 Street
8.8 Global Home Delivery, 15181 SW 25 Street
8.9 Your Angel's Ferry, Inc., 3084 Hiatus Road

Parade Permit

- 8.10 Forest Ridge Holly Day Parade (December 8, 2001)

Resolutions

- 8.11 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN EARTHLING FOUNDATION OF BROWARD COUNTY AND THE TOWN OF DAVIE. (tabled from October 17, 2001)
- R-2001-284 8.12 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S PURCHASE OF PROPERTY FROM BRUCE BLACK; AND PROVIDING FOR AN EFFECTIVE DATE. (\$13,000)
- R-2001-285 8.13 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S APPROVAL OF COMMERCIAL LOAN SUBSIDY PROGRAM ASSISTANCE TO MIGLO INC. (DAVIE BATTERY & ALTERNATOR) FOR A REDEVELOPMENT PROJECT. (\$14,416.98)
- R-2001-286 8.14 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S PURCHASE OF PROPERTY FROM FLORIDA ONE CONSTRUCTION, INC.; AND PROVIDING FOR AN EFFECTIVE DATE. (\$13,000)
- R-2001-287 8.15 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR THE PURCHASE OF CERTAIN REAL PROPERTY NEEDED FOR IMPLEMENTATION OF THE "HARMONY VILLAGE COMMUNITY" REDEVELOPMENT/REVITALIZATION PLAN IN THE DRIFTWOOD CDBG TARGET AREA. (\$40,000)
- R-2001-288 8.16 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO A CHILD IS MISSING, INC. (\$5,000)

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- 8.17
R-2001-289 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND FOR DONATION TO BEAT THE HEAT, INC. (\$2,500)
- 8.18
R-2001-290 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO THE DAVIE POLICE ATHLETIC LEAGUE GYMNASIUM BUILDING FUND. (\$100,000)
- 8.19
R-2001-291 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE STATE OF FLORIDA AND THE FLORIDA SHERIFF'S ASSOCIATION FOR AUTOMOBILES AND TRUCKS. (lowest bidder for each geographic section of the State - \$1,082,137)
- 8.20
R-2001-292 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SOFTBALL UMPIRE SERVICES. (South Broward Umpires Association - \$40,000)
- 8.21
R-2001-293 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR PRINTING AND MAILING THE DAVIE UPDATE. (Tiger-Tale Publications - \$38,217/year)
- 8.22
R-2001-294 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SUPPLY AND INSTALLATION OF ST. AUGUSTINE SOD. (Freeman Landscape - \$15,000/year)
- 8.23
R-2001-295 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A HYDRAULIC SUBMERSIBLE PUMP. (Moving Water Industries - \$23,581.30)
- 8.24
R-2001-296 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, AGREEMENT NO. CT01-256/JMD FOR REQUIRED LABORATORY TESTING OF DRINKING WATER AND WASTE WATER. (US Biosystems, Inc. - \$54,000)
- 8.25
R-2001-297 **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FUNDS UNDER THE U.S. DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM FOR \$82,501, AUTHORIZING THE ACCEPTANCE OF SAID FUNDS, ALLOCATING THE REQUIRED MATCH FROM THE LAW ENFORCEMENT TRUST FUND, AND

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AUTHORIZING THE APPROPRIATE TOWN OFFICIALS AND STAFF TO
IMPLEMENT SAID GRANT PROGRAMS. (\$9,167 match)

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- 8.26
R-2001-298 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE VALENCIA VILLAGE CONDOMINIUM ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**
- 8.27
R-2001-299 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE HARVEST CONDOMINIUM ASSOCIATION, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**
- 8.28
R-2001-300 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE GATELAND CONDOMINIUM ASSOCIATION, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**
- 8.29 **TRANSIT ORIENTED CONCURRENCY SYSTEM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE CREATION OF A TRANSIT ORIENTED CONCURRENCY SYSTEM IN BROWARD COUNTY; PROVIDING FOR AN EFFECTIVE DATE.**
- 8.30
R-2001-301 **SUPPORTING LEGISLATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING FIRE SAFETY LEGISLATION AUTHORIZING LOCAL FIRE MARSHALS AND FIRE DEPARTMENTS TO ENFORCE APPLICABLE FIRE SAFETY CODES AND REGULATIONS AT PUBLIC SCHOOL FACILITIES.**
- 8.31
R-2001-302 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT KNOWN AS NOVA PLAT NO. 2 AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 3-1-01, 2900 Davie Road)**
- 8.32
R-2001-303 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT KNOWN AS WESTRIDGE COMMONS AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 5-1-01, 4500 Flamingo Road)**

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- 8.33 R-2001-303 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT TITLED, "CHARLESTON OAKS PLAT", AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 7-1-01, 2601 SW 142 Avenue)**
- 8.34 R-2001-304 **REIMBURSEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING REIMBURSEMENT FOR COSTS INCURRED FOR THE FERNCREST UTILITY/Ryder LIFT STATION PURSUANT TO AGREEMENT OF COMPROMISE AND SETTLEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 8.35 R-2001-305 **AQUACULTURE FACILITY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO VOID AN AGREEMENT WITH NOVA SOUTHEASTERN UNIVERSITY, INC., DATED NOVEMBER 15, 1996, FOR MANAGEMENT OF A TOWN OWNED AQUACULTURE FACILITY; ENTERING INTO A NEW AGREEMENT TO LEASE THE FACILITY FOR THE OPERATION OF AN AQUACULTURE RESEARCH AND EDUCATION COMPLEX; AND PROVIDING AN EFFECTIVE DATE.**
- 8.36 R-2001-306 **GEOGRAPHIC INFORMATIONAL SYSTEM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE IMPLEMENTATION OF A GEOGRAPHIC INFORMATIONAL SYSTEM INCLUDING INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE BROWARD COUNTY PROPERTY APPRAISER'S OFFICE AND THE TOWN OF DAVIE FOR THE DEVELOPMENT OF COMMON GEOGRAPHIC DATA. (\$90,000)**

Site Plans

- 8.37 SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor) (tabled from October 17, 2001) *Planning and Zoning Division recommended denial; Site Plan Committee recommended denial*
- 8.38 SP 7-2-01, David Posnack Jewish Community Center, 5850 Pine Island Road (CF) *Planning and Zoning Division recommended approval; Site Plan Committee recommended approval subject to adding six additional trees on the south side of the north lake to match the existing trees in the parking lot*
- 8.39 SP 8-2-01, Forest Lawn South, 2401 Davie Road (A-9) *Planning and Zoning Division recommended approval; Site Plan Committee recommended approval*
- 8.40 SP 9-1-01, DSW Shoe Warehouse, 2112 South University Drive (B-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan*

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Committee recommended approval subject to the planning report

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Temporary Use Permits

8.41 TU 10-1-01, Davie Merchants and Industrial Association Inc., 2701 North University Drive

8.42 TU 10-3-01, Police Athletic League, 2300 University Drive

8.43 TU 10-4-01, Police Athletic League, 15885 Pointe West Drive

Vice-Mayor Paul asked that items 8.7, 8.8, 8.9 and 8.33 be removed from the Consent Agenda. Councilmember Truex asked that items 8.19, 8.24, 8.29, 8.31, 8.35, and 8.37 be removed.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve the Consent Agenda, without items 8.7, 8.8, 8.9, 8.19, 8.24, 8.29, 8.31, 8.33, 8.35 and 8.37. In a voice vote, all voted in favor. (Motion carried 5-0)

8.7 Vice-Mayor Paul wanted to provide that there would be no construction or storage on-site.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to approve with the stipulation that there would be no construction or storage on-site. In a voice vote, all voted in favor. (Motion carried 5-0)

8.8 Vice-Mayor Paul wanted to stipulate there would be no storage on-site.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to approve with the stipulation that there would be no storage on-site. In a voice vote, all voted in favor. (Motion carried 5-0)

8.9 Vice-Mayor Paul wanted to restrict to only one vehicle used for the business parked at the home at any given time.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve with the restriction of one vehicle used for the business parked at the home at any given time. In a voice vote, all voted in favor. (Motion carried 5-0)

8.19 Councilmember Truex thought this was a good piggyback and elaborated upon the reasons.

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

8.24 Councilmember Truex did not see in the report why this firm was chosen. He felt it was a bad system to arbitrarily pick piggyback bids and there needed to be a better policy with regard to the process.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to adopt the resolution. In a voice vote, with Councilmember Truex dissenting, all voted in favor. (Motion carried 4-1)

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8.29 Councilmember Truex did not want to express support until the Town's traffic study was completed. Mr. Willi advised that the County would move forward regardless of the Town's support. Vice-Mayor Paul offered to raise this matter at the Metropolitan Planning Organization's meeting.

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

8.31 Councilmember Truex was not pleased with this plat, but understood from Mr. Kutney that the Town was obligated.

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

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

8.33 Vice-Mayor Paul asked whether more than ten feet could be dedicated for the horse trail. William Laystrom, representing the petitioner, indicated that for purposes of the plat approval, it was necessary to stay with the plat requirements. During site plan review, he committed to try to increase the trail size in some areas.

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

8.35 Councilmember Truex noted that if the building was totally demolished, the tenant would have to advise the Town within 60 days whether they planned to repair it. If the tenant elected not to repair, the lease could be terminated. He wanted to add that either party had a right to terminate.

Councilmember Truex made a motion, seconded by Councilmember Clark, to adopt the resolution, subject to including in Paragraph 16 reciprocal language for the Town to terminate the lease. In a voice vote, all voted in favor. (Motion carried 5-0)

8.37 Bill Laystrom, representing the petitioner, reviewed the site plan, including parking, elevations, entrances, landscaping, and stormwater drainage. He advised that he planned to request assistance from the Community Redevelopment Agency (CRA) with respect to burying the powerlines. More parking was gained by eliminating angle-parking design and by closing one entrance, which necessitated two-way traffic in front of the building.

Dan Osrin, representing Walgreens, indicated that the changes made to the site plan for the Town were a big compromise and advised that 90 degree parking was much easier for customers to navigate. Councilmembers Truex and Clark commented on features they liked about the plan.

Vice-Mayor Paul asked if the difference between the CRA scenario and the plan presented this evening was an additional 13 feet of pavement between the building and the road on both Griffin and Davie Roads, as well as a row of parking under an over-hang, and some design changes. Andrew Huff indicated that was his understanding.

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In answer to Councilmember Truex's question, Mr. Huff advised there was a seven to eight foot covered sidewalk to the parking and Walgreens was trying to figure out how to reduce the number of posts in the parking area. In answer to Vice-Mayor Paul, Mr. Huff agreed to provide clear windows above and opaque below, and to extend the opaque as shown on the CRA. Councilmember Truex was concerned about a cave type of layout underneath.

Councilmember Starkey did not like the over-hang parking concept whatsoever. It took away from the goal of bringing the building to the front. Neil Kalis, representing the CRA, thought it would be fair to say that the Council would like to encourage everyone to work quickly, evaluating the concepts brought forward by Walgreens. Mayor Venis asked that the underground parking idea not be eliminated and that the group see whether that could be worked out.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to table to December 19, 2001. In a voice vote, all voted in favor. (Motion carried 5-0)

9. PUBLIC COMMENTS (12:58 p.m. - 1:11 a.m.)

Ordinances - First Reading (Public Hearing to be held November 20, 2001)

9.1 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32.304 OF THE GRIFFIN CORRIDOR DISTRICT, ENTITLED "PERMITTED RESTRICTED AND PROHIBITED USES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

This item was approved earlier in the meeting.

9.2 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, DELETING SECTION 12-34(B), ENTITLED "AGRICULTURE"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was approved earlier in the meeting.

10. PUBLIC HEARINGS (7:45 p.m. - 12:58 a.m.)

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

10.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
2001-46 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-2, MEDIUM INDUSTRIAL DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 4-3-01, Laystrom/Zacco, 5011 State Road 7)

This item was approved earlier in the meeting.

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- 10.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2001-47 FLORIDA AMENDING THE CODE OF ORDINANCES OF THE TOWN OF
 DAVIE, BY AMENDING THE DEFINITION OF "OPEN SPACE" AS DEFINED
 UNDER SECTION 12.503 AND ADD TO SECTION 12-33 (N) A SUBSECTION
 (10) AS CONCERNS FENCES IN "E" DISTRICTS ALREADY BUILT WITH
 VALIDLY ISSUED PERMITS AND AS CONCERNS FENCES ON LAKEFRONT
 PROPERTY IN "E" DISTRICTS; PROVIDING FOR INCLUSION IN THE TOWN
 CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN
 EFFECTIVE DATE.

This item was approved earlier in the meeting.

Quasi Judicial Items

- 10.3 **REZONING - ZB 4-5-01, Miller, Legg & Associates, Inc./Moersch, Fuselli and**
 Amsouth Bank, Trustee of the Vincent Fuselli Trust, 4450 Flamingo Road (from
 AG to CF) (tabled from October 3, 2001) *Planning and Zoning Division*
 recommended approval; Planning and Zoning Board recommended denial

This item was denied earlier in the meeting.

- 10.4 **REZONING - ZB 4-6-01, Miller, Legg & Associates, Inc./Moersch, Fuselli and**
 Amsouth Bank, Trustee of the Vincent Fuselli Trust, 4450 Flamingo Road (from
 AG to B-3) (tabled from October 3, 2001) *Planning and Zoning Division*
 recommended approval; Planning and Zoning Board recommended denial

This item was denied earlier in the meeting.

- 10.5 **REZONING - ZB 4-2-01, Struc.Tech Engineering, Inc./St. Philips Orthodox**
 Church, 4870 Griffin Road (from B-3 to CF) *Planning and Zoning Division*
 recommended approval; Planning and Zoning Board recommended approval

This item was approved earlier in the meeting.

- 10.6 **VARIANCE - V 4-3-01, Miller, Legg & Associates, Inc./Moersch, Fuselli and**
 Amsouth Bank, Trustee of the Vincent Fuselli Trust, 4450 Flamingo Road (AG)
 (reduce the minimum 250 foot separation between service stations and property
 land use plan designated residential to 75 feet) (tabled from October 3, 2001)
 Planning and Zoning Division recommended denial; Planning and Zoning Board
 recommended denial

This item was withdrawn by the petitioner.

- 10.7 **VARIANCE - V 1-1-01, Carnahan, Proctor & Cross, Inc./Goldberg, 8200-8270**
 Griffin Road (B-2) (to reduce the number of parking spaces required from 130 to
 122; to reduce the landscape buffer width on the northern portion of the parcel
 from 20 feet to an average of 10 feet; to reduce the landscape buffer on the eastern
 and western portions of the parcel from ten 10 feet to 0 feet; to reduce the median
 landscape island from 10 feet in width to 3 feet in width; and to reduce the open

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space requirement from 30% to 24%) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

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Mayor Venis swore in the witnesses. Mr. Kutney summarized the planning report. Robert Suede, representing the petitioner, was present.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the issue. 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 - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

10.8 **SPECIAL PERMIT** - SE 8-1-01, Bruns, 2280 SW 154 Avenue (A-1) (request for a riding stable) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval with the stipulation that the applicant's fee be refunded*

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

11. APPOINTMENTS (2:16 a.m. - 2:17 a.m.)

11.1 Child Safety Board (one exclusive appointment - Councilmember Clark)
Councilmember Clark deferred her appointment.

11.2 United Ranches Area Annexation Partnership Committee

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, appointing Mayor Venis to represent the Town in the United Ranches Area Annexation Partnership Committee. In a voice vote, all voted in favor. (Motion carried 5-0)

12. OLD BUSINESS (2:17 a.m. - 2:43 a.m.)

12.1 Zoning in Progress - Mark Kutney

Ms. Aitken had made a presentation about the joint meeting with the staff, the Town's planning firms and the Agricultural Advisory Board and asked for Council direction. Mr. Willi advised that staff was moving forward with the RFP as quickly as possible in an effort to hire a professional to coincide with the first workshop on the issue.

Mayor Venis asked that staff meet with the the Board to provide them with an update. Council directed Mr. Willi to determine an available date for a meeting during the last week of November.

Mr. Laystrom, representing Southern Homes, advised that he had previously submitted a notice to Mr. Kiar to was be provided to the applicants. He requested that staff be directed to allow applications to be filed and processed. Mr. Kiar suggested that the applicant be required to sign the notice, agreeing to be bound by the changes. Mr. Mele agreed with Mr. Kiar that applicants could simply turn in the signed notice when they submitted an application. Mr. Kutney felt the provision was strictly written and would not allow this. There was consensus that Mr. Laystrom's request could be accommodated with the proviso that applicants would be required to sign the notice, agreeing to be bound by the changes.

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12.2 Residential/Office Comprehensive Plan/Zoning Category - Mark Kutney

Mr. Kutney advised that staff had received a request on behalf of the Thomases and had given one opinion on the matter. The opinion was that the request violated the residential/office zoning category and the comprehensive plan. Mr. Kutney elaborated about the difficulties related to lessening the provisions of the district and Mr. Willi explained that a written opinion had been issued to Ms. Moore.

Mayor Venis asked that Mr. Kutney prepare some suggestions for Council's consideration. Mr. Kutney noted that even minor changes would probably necessitate a comprehensive plan amendment, which would be time consuming. Mr. Willi indicated that the County frowned upon this zoning district, which may present problems.

13. NEW BUSINESS (2:43 a.m. - 2:45 a.m.)

13.1 Florida Association of Student Council's Convention - Vice-Mayor Paul

Vice-Mayor Paul indicated that this request was for \$200 to allow a student from Western High School to attend the convention. In a voice vote, with Councilmember Truex dissenting, Council voted to authorize the expenditure of \$200 for the noted purpose.

13.2 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 - The Shops at Stirling Place, 6851 Stirling Road

After a brief discussion, Vice-Mayor Paul and Councilmember Truex felt the one year period should remain. No other objections were expressed by Council.

Mr. Kiar advised that the Sun Sentinel had made a public records request for all the Town's e-mails. With respect to Councilmember Truex's position to mediating the issue of cost, there was a majority of members that felt the Sun Sentinel should pay any costs. Councilmember Truex preferred that a policy be issued that would prohibit sensitive information through e-mail. **vote - who voted for/against??**

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 2:45 a.m.

APPROVED _____
Mayor/Councilmember

Town Clerk