

**TOWN OF DAVIE
REGULAR MEETING
APRIL 17, 2002**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

3. PRESENTATIONS (7:01 p.m. - 8:36 p.m.)

3.1. Brownie Troop #21058 and Brownie Scout Troop #1197

Vice-Mayor Clark thanked the troops for their participation in the Orange Blossom Parade.

3.2. Fair Housing Month Celebration (April 17, 2002)

Shirley Taylor-Prakelt, Housing and Community Development Director, stated that April was National Fair Housing Month and discussed how the Town had supported this effort. She honored Noel Thompson from HOPE Outreach with a plaque. Ms. Taylor-Prakelt presented Tony Brito from the United States Department of Housing and Development with a proclamation thanking them for providing financial resources for programs and housing opportunities to every person in the Town. Mr. Brito and Mr. Thompson praised Ms. Taylor-Prakelt for her hard work.

Mayor Venis announced that item 3.4 was withdrawn and item 7.1 was requested to be tabled until May 1, 2002.

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

Mayor Venis advised that item 8.7 was requested to be tabled until May 15, 2002.

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

Mayor Venis indicated that items 10.2 and 11.2 were requested to be added to the agenda.

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

Mayor Venis invited Commissioner Mikes and City Manager Pato from the City of Dania Beach to speak regarding the airport expansion.

Mr. Pato indicated the specifics regarding Dania Beach's opposition to the southern runway of the Fort Lauderdale/Hollywood International Airport. He stated that up until this point this was an issue only for Dania Beach, but it was now going to greatly affect the Town because the flight pattern over the Town would surely increase. Mr. Pato advised that the City of Hollywood had partnered with Dania Beach to encourage the Broward County Commission to reconsider and reevaluate the impact this expansion would have on the surrounding communities.

Commissioner Mikes spoke of Broward County's Task Force meetings where the Town had not been represented until recently. He discussed how the pollution could impact children's health and felt that it was important that the cities knew the potential danger up front. Commissioner Mikes stated that the ability to "curfew" the new runway would get more difficult in the future. He felt that capacity

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was not an issue and minor modifications could be made. Commissioner Mikes indicated that the goal was to allow for more cargo flights. He urged Council to take an active role in planning the airport project with the County and the other cities so that there would be minimal impact on public health, noise, and other obnoxious impacts.

Councilmember Starkey asked how much the supplemental impact study would cost. Mr. Pato indicated that there was a deadline of April 29th and the cost was between \$10,000 and \$12,000. Councilmember Starkey clarified the purpose of entering the supplemental study was to establish a standing if litigation was necessary. Commissioner Mikes agreed and stated that there needed to be participation before the fact.

Councilmember Starkey stated that because it was recognized that the noise zone was within the Town, it was clear that the Town was adversely impacted. She asked if the Town would be joining the City of Dania and the City of Hollywood in this effort. Mayor Venis indicated it was decided at a previous Council meeting that funds would be spent for this project. Councilmember Starkey agreed and stated that Town Administrator Willi had met with Brenda Shalifor but there was uncertainty if the rest of Council would support this expenditure.

Mayor Venis indicated that item 11.2, a resolution regarding the airport expansion, would be taken out of order.

11.2 Town Clerk Muniz read the resolution by title.

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

Mayor Venis advised that item 9.8 would be taken out of order.

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

Councilmember Truex asked Town Administrator Willi if the firm of White and Case was not available to do the supplemental impact study, could another firm be hired to do the job. Mr. Willi indicated that another firm would be pursued, but the time frame was a factor.

3.3. Officer Robert Labelle - Safety Summit

Councilmember Paul recognized and commended Officer LaBelle for his efforts and dedication to the Safety Summit and presented him with a certificate of appreciation. Child Safety Board Chairperson Joy Yoder thanked Officer LaBelle for his efforts. She also thanked Councilmember Paul for her participation in the Safety Summit.

Police Chief John George commended Officer LaBelle for his performance as a law enforcement officer in the Town.

3.4. Community Redevelopment Agency

This item was deferred.

3.5. Oak Hill Traffic Study Update - Calvin Giordano

Due to technical difficulties with the video system, this item was deferred until May 15th.

3.6. Zoning in Progress - Mark Kutney

Planning and Zoning Manager Fernando Leiva gave an update of the Zoning in Progress and stated that May 6th and May 14th were tentative dates for workshops on conservation easement

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strategies and specific strategies for open space and clustering, respectively. He stated that staff had attended a conference that was very productive and the information they gathered would be shared at the workshop and applied in the planning process.

Councilmember Paul asked if Mr. Leiva wanted to meet with Councilmembers individually to prepare for the May 14th workshop or would there be a presentation at the workshop. Mr. Leiva stated that development issues would be distributed beforehand and if Councilmembers wanted to meet individually, he was available.

3.7. Upcoming Special Events - Dennis Andresky and Bonnie Stafiej

Parks and Recreation Director Dennis Andresky advised of the upcoming events which included: pot luck dinner at Eastside Community Center (May 10th); Spanish luncheon (May 7th); Muvico (May 10th); youth basketball and Davie Bronco's tackle football registration (in progress); tackle cheerleading tryouts (May 2nd-4th and June 6th-8th); and youth flag football and youth flag football cheerleading registration (May 6th).

Mr. Andresky advised that there were positions open for counselors and activity leaders for the summer program.

Special Projects Director Bonnie Stafiej introduced Broward Community College student Desiree Daniels, who was assigned to present a speech. Ms. Daniels advised that upcoming special events included: sixth annual waterway cleanup (April 20th); Davie Police Department and Davie Police Explorers Graffiti Buster campaign initiation (May 4th); concert in the park (April 21st); and Actors Community Theatre performance of The Sensuous Senator (May 31st, June 1st-2nd, and June 7th-9th).

Mayor Venis advised that item 8.2 would be taken out of order. He opened the public hearing portion of the meeting.

8.2 Town Clerk Muniz read the ordinance by title.

David Damerau, representing the petitioner, spoke of the changes made since the last presentation. He indicated that he had met with the residents and tried to address the Planning and Zoning Board's concerns.

Mayor Venis asked if the residents wished to speak on this issue.

Maria Rubino, President of the Park City West Homeowners Association, entered a petition opposing the rezoning as Exhibit "A."

George Albert, 10550 State Road 84, spoke of the rule of adverse possession applied in this case because the residents of Park City West had used the road for over 20 years. He stated that the road was deeded to Broward County in 1971. He asked Council if they had researched it as he had. Town Engineer Larry Peters indicated that the petitioner owned the road.

Mr. Kiar asked if a title search had been conducted and if it was available to the Town. Mr. Damerau responded in the affirmative. Councilmember Truex indicated that he would like Mr. Kiar to render a title opinion on this property. Vice-Mayor Clark asked the petitioner to provide whatever documentation he had that indicated he owned the road.

Councilmember Starkey indicated that the residents, the school, and the businesses in the area did not want the road. She indicated that she would also like to see Mr. Kiar forward an opinion on whether the residents had a standing in relation to "adverse possession."

Mr. Kiar asked Mr. Damerau if he had a policy or documentation that he could forward which could be used as a starting point for his research. Mr. Damerau responded in the affirmative.

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Mr. Damerou stated that at the meeting, a vote was taken and the overwhelming majority was in favor of this project and the proposed improvements. He advised that exactly 81 additional cars were being added per day over what was allowed and this information was submitted with the original land use plan.

Ms. Rubino felt that this change would cause a safety hazard for the seniors and she was concerned that oncoming lights on the narrow road would be treacherous. She was insulted by Mr. Damerou's comment that if someone could not drive on this road, then they should not be driving. Ms. Rubino felt this was an attack on the seniors living in Park City West.

Lenore Volborth, 10550 State Road 84, entered 44 additional petitions into the record as Exhibit "B." She stated that a total of 54 petitions had been submitted from residents who had lived in Park City West for almost 20 years. Ms. Volborth was concerned that emergency vehicles would have difficulty getting into the complex. She advised that the turning lane was not a benefit and the residents wanted the road to remain as it was.

Mr. Kiar asked Ms. Rubino to submit to him any documentation of litigation regarding this road.

Mayor Venis closed the public hearing.

Councilmember Starkey indicated that a letter in the backup addressed to Mr. Snizek from Attorney James Brady for the applicant, talked about the flex rule, which might have been an incorrect application of this rule. Mr. Damerou indicated that the use of access bays allowed this provision and advised that the petitioner was complying with the ordinance. He advised that he was sensitive to the concerns of the residents of Park City West, but the road was his property and he could not foresee any negotiations that would alleviate the concern of the residents. Mr. Damerou stated that the traffic would be mostly during the day because this was an office park.

Councilmember Starkey asked Mr. Damerou if he had contacted the residents of the Scarborough development. Mr. Damerou responded that he had attempted to contact the homeowner's association, but to no avail; however, he had addressed their issues at a prior meeting. Councilmember Starkey suggested that this item be tabled and Mr. Damerou be directed to speak with these residents regarding the change in the plans, which now had bays directly adjacent to the Scarborough development prior to returning to Council. Mayor Venis indicated that there was a letter from the Board of Directors of the Scarborough development, which indicated they were not opposed to this project.

Councilmember Paul indicated her concerns with the amount of vehicular traffic going into the proposed development. She asked that guardrails and lighting be installed on the road. Councilmember Paul asked Fire Chief Don DiPetrillo if emergency vehicles would be able to access this site. Mr. Damerou indicated that the road was twenty-four feet and all safety precautions would be included. He stated that the road would be an attractive entranceway into the development. Chief DiPetrillo stated that he was concerned with how tight the turn was.

Vice-Mayor Clark stated that the bay doors were for delivery trucks and she felt that Mr. Damerou's estimate of 81 additional cars was inaccurate. Mr. Damerou stated that the bays did not have docks and smaller delivery trucks could easily access the property, but not semi tractor-trailers.

Councilmember Starkey felt that the bays would deter "proper" businesses from renting space at this office park. Mr. Damerou stated that the berms would hide the bays and the bay doors were not garage type doors. He stated that he had control of whom he could sell properties to because of the deed restrictions.

Councilmember Truex asked Councilmember Starkey what an adequate width would be for the road and if a guardrail would help. Mr. Damerou stated that the road could be widened to 26 feet and described other landscaping possibilities that would improve the road.

Mayor Venis asked for a motion to table so that the Mr. Peters could address the concerns of the residents.

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Councilmember Starkey made a motion to deny. The motion died for lack of a second.

Councilmember Truex stated that he would like to see this project developed if it could be worked out with the residents of Park City West.

Vice-Mayor Clark made a motion, seconded by Councilmember Paul, to table until May 15, 2002. In a voice vote, all voted in favor. (Motion carried 5-0)

4. MAYOR/COUNCILMEMBER'S COMMENTS

5. TOWN ADMINISTRATOR'S COMMENTS

6. TOWN ATTORNEY'S COMMENTS

Comments were heard later in the meeting.

7. CONSENT AGENDA (8:36 p.m. - 9:35 p.m.)

Minutes

- 7.1. February 21, 2002 - Regular Meeting
- 7.2. February 27, 2002 - Workshop Meeting
- 7.3. March 4, 2002 - Workshop Meeting
- 7.4. April 5, 2002 - Special Executive Session
- 7.5. April 9, 2002 - Special Executive Session

Proclamations

- 7.6. United Way of Broward County Appreciation Week (April 29 - May 5, 2002)
- 7.7. Civility Month (May)

Resolutions

- R-2002-78 7.8. **USE PERMIT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A USE PERMIT WITH THE BROWARD COUNTY, PARKS AND RECREATION DIVISION. (Take A Kid Fishing; May 4, 2002)
- R-2002-79 7.9. **SUMMER DAZE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO USE THE PALMA-NOVA COMMUNITY CENTER FOR THE TOWN'S EIGHT WEEK DAVIE SUMMER DAZE PROGRAM FROM JUNE 17 TO AUGUST 9, 2002.
- R-2002-80 7.10. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT BLOCK GRANT TO PURCHASE THREE RAYTHEON COMMERCIAL INFRARED ROOF MOUNTED THERMAL IMAGING CAMERA'S FOR POLICE UNITS TO BE PURCHASED FROM CMI. (\$21,351)
- R-2002-81 7.11. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR MOTOROLA MOBILE RADIOS, UTILIZING BROWARD COUNTY CONTRACT #D1TL1007, TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND. (\$11,533.40)
- 7.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID

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R-2002-82 FOR WATER METER READING SERVICES. (Bermex, Inc. - \$48,804/year)

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- R-2002-83 7.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR PINE ISLAND ROAD MEDIAN LANDSCAPE PROJECT. (Elan Lawn Service - \$99,865)
- R-2002-84 7.14. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR AIR CONDITIONING AND REFRIGERATION REPAIR SERVICES. (Air Doctor, Inc. - \$10,000/year)
- R-2002-85 7.15. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SUPPLY AND INSTALLATION OF CHAIN LINK FENCE. (Tropic Fence, Inc.)
- R-2002-86 7.16. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF A SWIMMING POOL AND A RESTROOM BUILDING AT BETTY BOOTH ROBERTS PARK AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SUCH SERVICES. (EDFM Corporation - \$434,247)
- R-2002-87 7.17. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND GRIFFIN 78, LTD. FOR INSTALLATION OF REQUIRED IMPROVEMENTS RELATING TO THE GRIFFIN 78 PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 3-2-02, 7790 Griffin Road)
- R-2002-88 7.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A PARTNERSHIP COMMITMENT FORM AND AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY TO PARTICIPATE IN THE RAIN SHUTOFF DEVICE PILOT PROGRAM FOR QUALIFIED PROGRAM PARTICIPANTS.
- R-2002-89 7.19. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "LESTER INDUSTRIAL PARK PLAT" (131-43), AND PROVIDING FOR AN EFFECTIVE DATE. (DG 3-2-02, 5011 State Road 7)
- R-2002-90 7.20. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING APPLICATION AND EXECUTION UNDER THE STATE OF FLORIDA--JOINT HAZARD MITIGATION GRANT PROGRAM & FLOOD MITIGATION ASSISTANCE.
- R-2002-91 7.21. **FEES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING THE PARKS AND RECREATION DEPARTMENT FEE SCHEDULE FOR USE OF TOWN PARK AREAS AND FACILITIES.
- R-2002-92 7.22. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE STATE OF FLORIDA, AGREEMENT NO. 425-001-01-1 FOR SUPPLYING OFFICE FURNITURE AND FILES FOR THE "POTTER PARK

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COMMUNITY CENTER AND GYMNASIUM" BUILDING. (Designers Service Bureau, Inc. - \$25,662.56)

Site Plans

- 7.23. SP 12-2-01, Nova Plaza, south side of Nova Drive, 300 feet east of University Drive (B-2) (tabled from April 3, 2002) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval*
- 7.24. SP 7-1-01, 595 Commerce Ctr., 450 SW 130 Avenue (B-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report and to include the following changes to the landscape plan: label the plan properly; make changes per staff comments including substituting Queen Palms on the south side to Paurotis Palms one for every three Queen Palm and to be a minimum height of 20 feet; install six Queen Palms on the north side of the renovated building, add four Alexander Palms 16 feet on the east side of the building, and relocate the Ligustrums from the north side of the renovated building to the east property line, and the Queen Palms on the north side of the renovation building to be 16-20 feet, three of which can be taken from the east side; on building A, the raised entry to move those panels out eight inches to the north; on building B, the same sloped roof over the raised entries will repeat that same detail of the metal roof over those; to have the same decorations on those panels that are over the raised doors the same as building A; and add the same decorative reveals on the south wall similar to what is on the north wall; and on the renovation on the west side, create one element over the stair that is similar to the one on the east side*
- 7.25. SP 12-1-01, VI Pet Resort, 2100 Flamingo Road (AG) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to staff making sure that it was in compliance with regulations 12-34(B), applying to both veterinary clinics and kennels*
- 7.26. SP 3-1-02, Linens N' Things, 2200 South University Drive (B-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Temporary Use Permit

7.27. TU 3-3-02, Stiles Construction Co./Plantation Sales, Inc., 3659 Weston Road (BP)

Mayor Venis removed items 7.12, 7.13, 7.20, and 7.23 from the Consent Agenda. Councilmember Truex removed item 7.27. Councilmember Paul removed item 7.24.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to approve the Consent Agenda minus items 7.12, 7.13, 7.20, 7.23, 7.24, and 7.27. In a voice vote, all voted in favor. (Motion carried 5-0)

7.12. Mayor Venis asked how often the water meters were read, as there were concerns from residents that water bills were the same month after month. Utilities Director Daniel Colabella indicated that meters were read every month.

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

7.13. Mayor Venis asked how often the median on Pine Island Road was cut. Public Works/Capital Projects Director Bruce Bernard responded that the median was cut every two weeks.

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Councilmember Starkey asked that a landscape design plan be made available.

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

7.20. Mayor Venis asked Mr. Bernard to explain this project. Mr. Bernard explained that a mitigation grant was being submitted to FEMA and if it was awarded, the Town would receive 75% of the \$3.1 million the Town had laid out for drainage improvements.

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

7.23. Mr. Leiva explained that this site plan was tabled as the applicant was going to meet with the residents.

Bill Laystrom, representing the petitioner, summarized the request. He thanked Norm Blanco for arranging a meeting with the petitioner and the residents of the Nova Drive corridor.

Norm Blanco, representing the Associations of Nova Drive, asked if there were any findings of fact that were relevant to adverse traffic impacts.

Mr. Leiva spoke of concerns along Nova Drive and explained that the County had changed how trip counts were calculated. He stated there were no major impacts for Nova Drive or University Drive. Councilmember Paul felt it was ludicrous that no adverse impact was found for the traffic on Nova Drive because there was already a problem. Mayor Venis believed it would impact Nova Drive and "make a bad situation worse." Vice-Mayor Clark felt there had to be some resolution to the confusion in the way the traffic was calculated.

Councilmember Truex stated that he had spoken with both Mr. Laystrom and Mr. Blanco and advised that the residents were concerned with the "late night liquor use." Councilmember Truex felt that this property would be accessed from University Drive and egress would either be an illegal U-turn or pass through residential neighborhoods to return to University Drive. He was concerned that the liquor use and the precarious egress was a potentially dangerous situation.

Mr. Laystrom guessed that most of the traffic would be from the residents. He indicated that the petitioner had offered to expand where the left turn was to allow for U-turns; however, the residents had a concern with the light on Nova Drive. Mr. Laystrom stated that the petitioner had previously agreed not to have nightclubs, cocktail lounges or bars. He advised that this site would "probably" include a neighborhood restaurant, but he could not promise that liquor would not be served after 11:00 p.m.

Councilmember Paul asked Mr. Laystrom for a schematic that would show the proposed U-turn and stated that she was concerned with the location of the entrance. Gus Aguirre indicated the area in question on a set of plans. Councilmember Paul felt that the U-turn was an "accident waiting to happen."

Mr. Blanco spoke of previous meetings with the petitioner and their desire to retain a use that would include a business that might have a liquor license. He felt that this was a quality of life issue. Mr. Blanco said that the residents agreed to a beer and wine usage until 11:00 p.m. He added that all other concerns were resolved with the petitioner.

Councilmember Truex asked Mr. Blanco if he would be willing to meet with the petitioners again in light of the offer to obtain a special use permit if needed. Mr. Blanco indicated that he could not speak on behalf of all the associations without conferring with them.

Mayor Venis asked if anyone wished to speak on the item.

Donna Mungsten, representing a subdivision on Nova Drive, spoke of her community's concern with the additional traffic this project might cause. She felt this was not an appropriate location for a restaurant with a liquor license.

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Mr. Laystrom felt that the traffic issues were an existing issue, not one his client would be creating.

Councilmember Truex asked Mr. Laystrom if his client would be willing to table until this concern was resolved with residents. Mr. Laystrom was agreeable.

Councilmember Truex made a motion, seconded by Councilmember Paul, to table until May 15, 2002. In a voice vote, all voted in favor. (Motion carried 5-0)

7.24. Councilmember Paul stated that Mr. Dale from Paradise Village had expressed concerns. She indicated that she wanted to know what the petitioner's response was to the concerns and if any changes had been made.

Iraj Shojaid, representing the petitioner, explained the request. Sam Jazayri further explained the request and conversations with Mr. Dale and the residents of Paradise Village to offer an alternative in the form of planting rather than a wall.

Mr. Willi indicated that he and staff had met with Mr. Dale and confirmed Mr. Jazayri's summation. Mr. Dale was given the site plan and had provided a letter signed by him and homeowner's association president Marilyn Ansacks, which indicated that they approved of the planting in lieu of the wall.

Councilmember Paul was concerned with an additional storage facility and felt that it was a mistake to eliminate the wall because the bay doors and the delivery traffic would be more visible. She suggested that the wall be installed and the planting be done on the residents' side. Councilmember Starkey understood that the wall was eliminated because of the petitioner's concern with graffiti.

Mr. Jazayri indicated that a 14-foot hedge would be installed.

Councilmember Paul asked if any bay doors would be facing east. Mr. Jazayri indicated that there were none.

Mayor Venis asked how big the hedges would be. Mr. Jazayri indicated that they would be two to three feet ficus hedges. Councilmember Paul was concerned that it would take time for the hedges to mature. Mr. Willi stated that the site plan indicated the hedges would be Silver Buttonwood at four to five feet. Mayor Venis felt that ficus was sufficient.

There was discussion regarding the specific landscaping and what would be most appropriate. Mr. Jazayri indicated that Mr. Aucamp had made the recommendations included in the site plan at the Site Plan Committee meeting. He was also willing to change the landscaping as Council saw fit.

Mr. Willi asked that the landscaping be clarified with Mr. Dale, as Mr. Dale was opposed to ficus and in favor of the Silver Buttonwood. He indicated that the Town had removed ficus from the landscape lists because it caused damages to sidewalks and water lines.

Councilmember Starkey made a motion, seconded by Vice-Mayor Clark, to approve subject to two recommendations by staff and the hedge. In a voice vote, all voted in favor. (Motion carried 5-0)

7.27. Councilmember Truex asked how long the construction trailer would be on the site. An unidentified man indicated six to eight months.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve subject to a maximum duration of one year. In a voice vote, all voted in favor. (Motion carried 5-0)

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8. PUBLIC HEARINGS (9:35 p.m. - 9:47 p.m.)

Ordinances - Second and Final Reading

- 8.1. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB 11-2-01, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT AND A-1, AGRICULTURAL DISTRICT TO RM-10, MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Calvin, Giordano & Associates, Inc./Covenant House, 6991 Orange Drive) (tabled from April 3, 2002) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

- 8.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB 11-3-01, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM T-1, TRAILER PARK (BROWARD COUNTY) TO CC, COMMERCE CENTER DISTRICT, UTILIZING THE BROWARD COUNTY 5 PERCENT RESIDENTIAL TO COMMERCIAL FLEXIBILITY RULE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (DFD Capital Dev. Corp., 10700 West State Road 84) (tabled from March 19, 2002) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the applicant voluntarily "deed restricting out" telecommunications towers in addition to the other deed restrictions*

This item was tabled earlier in the meeting.

- 2002-11 8.3. **CORRECTIVE ORDINANCE** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-2, WHICH WAS AN ORDINANCE 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 AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

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

Ordinances - First Reading (Second and Final Reading to be held May 1, 2002)

- 8.4. **EASEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT TO FLORIDA POWER AND LIGHT FOR THE "POTTER PARK COMMUNITY CENTER AND GYMNASIUM"; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (4300 SW 57 Terrace) (tabled from April 3, 2002)

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Town Clerk Muniz read the ordinance by title.

Mr. Kiar asked that this item be tabled and advised there was language in the contract that he was concerned with.

Councilmember Paul asked if this tabling would delay the project. Mr. Bernard indicated that it might delay the project and explained the timeline. He stated that Florida Power and Light's response would be delayed and power would not be available when the building was completed.

Vice-Mayor Clark made a motion, seconded by Councilmember Paul, to table until May 1, 2002. In a roll call vote, the vote was as follows: Mayor Venis, yes; Vice-Mayor Clark, yes; Councilmember Paul, yes; Councilmember Starkey, yes; Councilmember Truex, yes. (Motion carried 5-0)

- 8.5. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE V, DIVISION 1, SECTION 2-73(c), ADVISORY BOARDS/COMMITTEES, BY REMOVING THE COMMUNITY REDEVELOPMENT AGENCY FROM THE TOWN'S UNIFORM POLICY CONCERNING ADVISORY BOARDS/COMMITTEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

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

- 8.6. **FEE SCHEDULE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CURRENT FEE SCHEDULE FOR BUILDING, PLANNING AND ZONING SERVICES OF THE TOWN OF DAVIE BY ADDING A FEE FOR MASTER DEVELOPMENT PLANS, TEMPORARY USE PERMITS AND OTHER MISCELLANEOUS FEES; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Truex asked if this would affect seasonal sales. Mr. Leiva replied affirmatively. He explained that the Town did not charge fees for temporary use permits. Mr. Willi explained that this ordinance would not override the existing ordinance where non-profit organizations were fee exempt.

Councilmember Truex asked about item 98, which referred to alcoholic beverage licenses. Planner Marcie Nolan explained that it was an existing fee and was an additional fee to the permit.

Councilmember Paul asked about fees for fence permits. She did not see a difference indicated between a residential private property and a fence around a development. Mr. Willi indicated that this issue was still being addressed and would come before Council when it was clarified.

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

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Items to be tabled

8.7. STAFF REQUESTING A TABLING TO MAY 15, 2002

SPECIAL COSTS REIMBURSEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA PROVIDING FOR COST RECOVERY TO REIMBURSE THE TOWN OF DAVIE FOR SPECIAL COSTS INCURRED BY THE TOWN IN THE PROCESSING OF APPLICATIONS FOR DEVELOPMENT PERMITS, CONTAINING PROVISIONS FOR COST RECOVERY ACCOUNTS; PROVIDING FOR IMPLEMENTATION OF THE COST RECOVERY PROGRAM; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

(tabled from February 21, 2002)

This item was tabled earlier in the meeting.

9. APPOINTMENTS (*Pursuant to Ordinance 2002-9, all appointments are to be registered voters unless the person is a minor or a legal resident alien*) (9:56 p.m. - 9:57 p.m.)

9.1. Child Safety Board (one exclusive appointment - Councilmember Starkey; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Starkey deferred her appointment.

9.2. Community Relations Advisory Boards (two exclusive appointments - Councilmember Truex; terms expire April 2004)

Councilmember Truex appointed John Pisula and deferred his second appointment.

9.3. School Advisory Board (two exclusive appointments - Councilmember Truex; terms expire April 2004) (insofar as possible, members are to have experience in educational matters)

Councilmember Truex deferred his appointments.

9.4. Davie Water and Environmental Advisory Board (one exclusive appointment - Vice-Mayor Clark; two exclusive appointments - Councilmember Truex; terms expire April 2004) (insofar as possible, one member shall be a licensed engineer)

Vice-Mayor Clark appointed Ron Phillips. Councilmember Truex appointed Barry Mowell and deferred his second appointment.

9.5. Open Space Advisory Committee Agency (one exclusive appointment - Councilmember Starkey; term expires April 2004)

Councilmember Starkey deferred her appointment.

9.6. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmembers Starkey and Truex; terms expire April 2004) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmembers Starkey and Truex deferred their appointments.

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9.7. Senior Citizen Advisory Committee Agency (two exclusive appointments - Councilmember Starkey; terms expire April 2004) (members shall be a minimum 60 years of age)

Councilmember Starkey appointed Alice McDonald and Margaret Draught.

9.8. Airport Advisory Task Force (appointment of one Councilmember)

Councilmember Starkey was appointed earlier in the meeting.

10. OLD BUSINESS (9:57 p.m.)

10.1. Time Certain Council Meetings

Councilmember Starkey made a motion to approve. Motion died for lack of second.

10.2. Policy Determination for Amending the Jolmy Annexation Agreement

Mr. Willi indicated that Mr. Meyers was not in attendance. Mayor Venis asked that this item be placed on the next agenda.

11. NEW BUSINESS (9:57 p.m. - 9:58 p.m.)

11.1. Removal of 160th Avenue from the Trafficways Plan

Mr. Willi reported that Southwest Ranches was not going to pursue removing this road from the trafficways. He indicated the reason Southwest Ranches had requested this was because they wanted traffic calming devices installed. Mr. Willi stated that the County was assisting Southwest Ranches with this project without Southwest Ranches having to take over the road.

Councilmember Truex referred to appointments for Boards. He stated that the Community Redevelopment Agency member appointed by his predecessor had missed many meetings, but was not willing to resign. Councilmember Truex asked that this person be given ten days notice and the opportunity, as per the ordinance, to be heard by Council.

11.2. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING THE PROPOSED R-2002-93 EXPANSION OF THE SOUTH RUNWAY AT THE FORT LAUDERDALE - HOLLYWOOD INTERNATIONAL AIRPORT.

This item was approved earlier in the meeting.

TOWN ATTORNEY COMMENTS (9:58 p.m.)

THANK YOU. Mr. Kiar thanked Mr. Bernard for enforcing the sidewalk issue.

CITRUS CANKER. Mr. Kiar reported that the Citrus Canker issue was proceeding in court.

TOWN ADMINISTRATOR COMMENTS (9:59 p.m.)

SERVICE AWARDS. Mr. Willi advised that he had attended the employee service awards event where 30 employees had received awards. He thanked Councilmember Starkey for attending this event.

MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS (9:59 p.m. - 10:00 p.m.)

DAVIE ELEMENTARY SCHOOL SHELTER. Mayor Venis reported that he met with Mr. Bernard who had met with representatives from the Broward County School Board who indicated that the cost of the shelter was approximately \$295,000. He stated that the Town had received lower estimates and he wanted the School Board to be informed that the Town would be bidding out the shelter.

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GRAFFITI CLEANUP. Mayor Venis reported that he had attended the Graffiti Cleanup and the volunteers had done a great job. He stated that he and Chief George had met with Brandywine Homeowners Association, who was grateful for the Town's efforts. He also had spoken with Florida Power and Light and Bell South regarding painting their boxes as the Town was not allowed to do so.

TREE CITY. Mayor Venis stated that the Town had once again been named Tree City, USA.

BICYCLE PATHS. Mayor Venis noticed that the bicycle paths were being repaved and commended Mr. Bernard for his efforts as residents were very pleased with this project.

DRAINAGE. Mayor Venis stated that he had received many positive comments from residents about the drainage project and he commended Mr. Bernard for his efforts.

I-75 SOUNDWALLS. Mayor Venis reported that Congressman Peter Deutsch was following the appropriation for the sound barrier walls. Mayor Venis spoke of the long history of this project and the sound levels, which were originally reported. He stated that a recent report indicated that the sound levels were erroneous when they were first done in 1996 and the level was higher than it should be.

VICE-MAYOR CLARK (10:00 p.m. - 10:03 p.m.)

ORANGE DRIVE. Vice-Mayor Clark asked when the resolution removing Orange Drive from the trafficways would be submitted. Mr. Willi reminded that there was a concern with the setback and if Council so directed, this would be added to a future agenda for discussion. He also indicated that County Commissioner Lori Parrish was aware of the status.

ADMINISTRATIVE GOALS. Vice-Mayor Clark stated that Human Resources Director Mark Alan had not yet appeared before the Community Relations Advisory Board as was indicated in the minutes.

COUNCILMEMBER TRUEX (10:03 p.m. - 10:08 p.m.)

ANTI-GRAFFITI EFFORTS. Councilmember Truex asked that mention be made of the Graffiti Cleanup in the Davie Update and that a presentation be made before Council.

EQUESTRIAN CROSSING. Councilmember Truex referred to Councilmember Paul's desire to have an equestrian crossing sign installed in front of the Old Davie School. He felt that the south side of Griffin Road was unsafe for both equestrians and pedestrians and he wanted the issue to be forced by Council to make that area safer. Councilmember Truex also did not want to encourage horseback riding in this area.

COST RECOVERY. Councilmember Truex asked that a copy of the Cost Recovery ordinance be forwarded to the Economic Development Council and the Davie Merchants and Industrial Association.

ORDINANCES. Councilmember Truex asked about the status of the ordinances regarding the petitioner having the right to table items. He also asked for information regarding the laws for home occupational licenses.

ARSENIC LAWSUIT. Councilmember Truex stated that Mel Pine from the American Wood Preservers Institute wanted to address Council regarding this issue. He asked that this be added to the agenda when this issue came back to Council.

COUNCILMEMBER STARKEY (10:08 p.m. - 10:13 p.m.)

SCHOOL BOUNDARIES. Councilmember Starkey reported that the School Board had approved the Town's recommendation to send Falcon Cove Middle School students to Cypress Bay High School. The School Board was also allowing Indian Ridge Middle School students to go to Western High School. She indicated that because these two moves were approved, the whole boundary issue had to be readdressed and there would be additional school boundary meetings. Councilmember Starkey stated that there were still concerns for Plantation, Piper, and South Plantation High Schools and another vote might come up that could change everything.

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Councilmember Paul indicated that the issues were very close votes and there was a strong possibility that things could change. She encouraged Council and residents to get involved with this issue and show their support.

COST RECOVERY. Councilmember Starkey advised that she had met with staff regarding recommendations from Council. She stated that additional meetings were going to be scheduled with Mr. Kiar and the Economic Development Council to address this issue.

AIRPORT EXPANSION. Councilmember Starkey thanked Council for nominating her to represent the Town. She stated that she would present updates as needed.

COUNCILMEMBER PAUL (10:13 p.m. - 10:20 p.m.)

CHILD SAFETY BOARD. Councilmember Paul reported that Officer Barry Dodge had made a helmet safety presentation to the Boys and Girls Club and five helmets were given to children.

DEVELOPMENT SERVICES RECOMMENDATIONS. Councilmember Paul asked that procedures for how Development Services made recommendations for quasi-judicial items be discussed on a future agenda.

DAVIE WATER AND ENVIRONMENTAL ADVISORY BOARD. Councilmember Paul reported that a member of this Board indicated that they had nothing to discuss and perhaps it was better to disband this board. She stated that she had given this Board a long list of issues that could be addressed and if individuals on this Board felt these issues were not important, perhaps they should resign from the Board. Councilmember Paul felt this Board should cover air, ground, water, and preservation of wildlife. She wanted this Board to look at the wildlife ordinance and review it to make sure that it was comprehensive.

Mayor Venis indicated that he also had made suggestions to this Board.

BRIDGE PETITION. Councilmember Paul reported that a petition was circulating for a bridge at SW 29 Street and SW 136 Avenue to redirect traffic from a small community in the Oak Hill area. She was concerned that she was not informed, even though staff had been addressing this. Councilmember Paul indicated that the petition might be abandoned.

SENIOR VOLUNTEER LUNCHEON. Councilmember Paul was pleased with this event and felt it was important to recognize senior volunteers.

PURCHASE AND DEVELOPMENT RIGHTS. Councilmember Paul reminded that the Land Preservation Advisory Board was still taking applications and anyone interested should contact the Department of Planning and Environmental Protection. The deadline was May 31, 2002.

RAD KIDS. Councilmember Paul reported that Officer Tiffany Richards had started this educational safety program and it was for children aged five to seven and eight to ten. The program was for five weeks.

12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 10:20 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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