

**TOWN OF DAVIE
REGULAR MEETING
MAY 1, 2002**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 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, attorney Connick, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING (7:02 p.m. - 7:33 p.m.)

Mayor Venis advised the public of the rules for the Open Public Meeting.

Bob Waitkus, representative of Canine Companions, introduced Gimbal who was in training for this program, and his trainer, Teresa. He thanked Council for the donation of the use of the Bergeron Rodeo Grounds for a fundraiser event that would benefit the Canine Companions program which was scheduled for May 4th.

Kelly Forsythe and Wayne Martin, 5771 SW 30 Court, requested a special permit to serve alcoholic beverages at Robbins Lodge for their upcoming wedding. She stated that 85% of her guests would not be driving and spoke of discussion with community members who supported this request. Ms. Forsyth entered an informal petition with more than 50 signatures from residents who lived in the vicinity of Robbins Lodge.

Councilmember Starkey indicated that she had discussed this matter with Mr. Willi and she felt it should be considered in lieu of the fact that a police officer was on duty and most of the guests would be bussed in. Mayor Venis indicated that the residents and former Councilmember's had concerns with the driving conditions along Hiatus Road and the use of alcoholic beverages at Robbins Lodge and other Town facilities. Councilmember Truex felt there was no basis for this permit and if Council wanted to discuss it, it should be addressed as part of the Council agenda. Vice-Mayor Clark indicated that she was not on the Council when this issue was decided, but she felt that people should be able to have alcohol so long as proper measures were met. She indicated that there was a policy that allowed for special permits to serve alcoholic beverages. Councilmember Paul indicated that the Town did not want to set precedence and the prohibited use of alcoholic beverages at Town facilities was addressed twice. She stated that it was the general consensus of both residents and Council that it was not necessary and should not be considered when renting Town facilities. Councilmember Paul agreed that if it was going to be discussed, it should be done as part of Council's agenda.

Tom Green, 1800 SW 116 Avenue, spoke of the flood-prone areas on Hiatus Road and requested that an inspector be sent to SW 17 Court between SW 115 Avenue and SW 116 Avenue, where residents had large piles of dirt to be used to fill properties. Mr. Willi stated that residents could not fill their properties and cause water to move to neighboring properties. He stated that an inspector would be sent to investigate.

Richard Myers, 1700 SW 83 Avenue, was concerned with the intersection of University Drive and Nova Drive. He stated that this was a very dangerous intersection and nothing had

**TOWN COUNCIL MINUTES
MAY 1, 2002**

been done to correct it. Mr. Myers was also concerned with Council's consideration of the proposed shopping center next to the Shell station and felt this would compound the problem. He urged Council to address this matter.

Tom Clements, 15740 Surry Circle, reminded that Western High School's marching band was performing a free concert on May 11th and invited Council and the community.

Chris Romeo spoke of a national jazz band competition in Myrtle Beach that Western High School had competed in. He reported that they had won first place in three of the competitions and second place in one. Mr. Romeo invited Council to come to the event to see them perform.

Richard Weiner stated that the Fort Lauderdale Children's Theatre was presenting Peter Pan on May 10th through May 12th. He reported that all charges against him, which he incurred while he was a Councilmember, had been dismissed.

Jim Bunce, President of International Association of Firefighters, invited Council to an open house at the fire station. He thanked those who attended the funeral services for Fire Chief Don DiPetrillo's son.

Special Projects Director Bonnie Stafiej spoke about the Take a Kid Fishing tournament scheduled for May 4th which was being held at Treetops Park for children up to twelve years old.

Councilmember Starkey spoke about Relay for Life. She thanked Ms. Stafiej for her help with the awards ceremony and presented her with a plaque. Councilmember Starkey stated that Indian Ridge Middle School and the Malibu Barbie's had raised \$1,500. She advised that the entire event raised \$47,748, which would go towards research for breast cancer.

4. PRESENTATIONS (7:33 p.m. - 7:58 p.m.)

4.1. Community Redevelopment Agency

Neil Kalis, Chair, stated that the first stake holder's meeting was held in January for business and property owners along Davie Road. He stated that the meeting was well attended and many good ideas came from it including the development of a website. Mr. Kalis stated that the next meeting was scheduled for May 30th at 5:30 p.m. at the Old Davie School.

Mr. Kalis stated that the Agency had held a goal setting session and spoke of the priorities that were being worked on. He stated that the way-finding signage installation was almost complete and there was a great deal of positive feedback.

Mayor Venis advised that items 9.1 and 9.8 were 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)

Councilmember Truex pointed out that there were residents present to address 9.1. An unidentified woman stated that she understood Lennar would not table this item again. Mr. Willi explained that Lennar did not have the option to table again. He stated that since Lennar

**TOWN COUNCIL MINUTES
MAY 1, 2002**

had met with the residents and there was no resolution regarding the development of the property in question, staff had requested a tabling so that the residents and the developer could again try to resolve this issue.

Councilmember Truex felt it was unfair to the residents and they deserved more notice. Mr. Willi indicated that the meeting between the residents and Lennar had taken place two days before this meeting.

Rosalie Tucker, 4228 SW 70 Terrace, indicated that a meeting was held on April 29th with Lennar and it was evident that there was an impasse. She stated that Lennar had specifically stated they would not table this item. Councilmember Truex agreed that this issue was not resolvable. Vice-Mayor Clark clarified that staff had tabled the item, not the applicant. Councilmember Truex reiterated that this item was tabled so that there could be more dialogue regarding this issue.

Mary Kahn, 4220 SW 70 Terrace, indicated that she had spoken with Don Burgess of Broward County Environmental Protection Agency and clarified that the space qualified for open space. Mr. Burgess had indicated that there were several Live Oak trees that should be preserved and he recommended that she ask Council to purchase the property in question through the bond issue so the property could be maintained as a passive park. Ms. Kahn stated that 60 residents had signed a petition.

Katherine Jewel, 4210 SW 70 Terrace, indicated that she did not think there would be a "meeting of the minds" with Lennar and the residents.

Councilmember Truex stated that if some of the sites the Town was considering for purchase through the Bond did not pan out, this would be a good purchase as an option. Councilmember Starkey advised that staff had already ranked and prioritized the sites available. Mr. Willi pointed out the number one priority of the County was that the property had a willing seller.

Mayor Venis advised that item 12.2 was requested to be added.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to add item 12.2 to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

12.2 Town Clerk Muniz read a proclamation proclaiming May 12th-18th as National Police Week.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor.

Mayor Venis advised that item 12.3 was requested to be added to the agenda.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to add item 12.3 to the agenda. In a voice vote, all voted in favor. (Motion carried, 5-0)

**TOWN COUNCIL MINUTES
MAY 1, 2002**

12.3 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM
R-2002-101 OF CITYSCAPE SITING & MANAGEMENT, INC. TO PROVIDE
TELECOMMUNICATION CONSULTING SERVICES FOR THE TOWN OF
DAVIE AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS
DESIGNEE TO NEGOTIATE A CONTRACT FOR SUCH SERVICES.

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

Mayor Venis advised that item 12.4 was requested to be added.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to add item 12.4 to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

12.4 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2002-103 MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO A TRAFFIC
SIGNALIZATION AGREEMENT BETWEEN THE TOWN OF DAVIE,
BROWARD COUNTY, AND ELISE MEEKS, WILLIAM MEEKS, AND
KATHLEEN LENHARDT; TO ACKNOWLEDGE SUCH APPROVAL BY
AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING
FOR AN EFFECTIVE DATE.

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

Mayor Venis advised that item 12.5 was requested to be added.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to add item 12.5 to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

12.5 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2002-102 MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO A TRAFFIC
SIGNALIZATION AGREEMENT BETWEEN THE TOWN OF DAVIE,
BROWARD COUNTY, AND MARY WOLF, INDIVIDUALLY, HARRIS TRUST
COMPANY OF FLORIDA A SUCCESSOR TRUSTEE; SUSAN CORYELL AND
CAROL WOLF MOOMAW AS CO-TRUSTEES; TO ACKNOWLEDGE SUCH
APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND
PROVIDING FOR AN EFFECTIVE DATE.

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

5. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS (7:58 p.m. - 7:59 p.m.)

TAKE A KID FISHING. Mayor Venis invited everyone to attend this event on May 4th.

WATERWAY CLEANUP. Mayor Venis stated that the cleanup was very successful and thanked Ms. Stafiej for organizing it. He stated that there were 600 volunteers who cleaned 24 miles of canal.

**TOWN COUNCIL MINUTES
MAY 1, 2002**

POINCIANA PARK. Mayor Venis stated that he had met with the developers of this project and there was discussion regarding the park site on Nova Drive.

BROWARD BEAUTIFUL GRANT. Mayor Venis reported that community grant applications were due on June 10th. A meeting regarding this grant was scheduled for May 7th.

CONDOLENCES. Mayor Venis extended his condolences to the DiPetrillo family for the loss of their son.

Mr. Stahl read a statement, which indicated that he could no longer serve on the Town's Planning and Zoning Board as he was moving to Pembroke Pines.

VICE-MAYOR CLARK (7:59 p.m. - 8:01 p.m.)

HAPPY BIRTHDAY. Vice-Mayor Clark wished her son, Richie, a happy birthday.

CONDOLENCES. Vice-Mayor Clark extended her condolences to the DiPetrillo family for the loss of their son.

SW 58 AVENUE. Vice-Mayor Clark asked if there were any proposed changes for SW 58 Avenue regarding traffic calming devices. Mr. Willi indicated that once the Oak Hill study was completed, the traffic calming measures used there would be implemented Townwide.

COUNCILMEMBER TRUEX (8:01 p.m. - 8:03 p.m.)

DAVIE ELEMENTARY SCHOOL. Councilmember Truex thanked staff and the Police Department for the improvements near the school regarding traffic concerns.

MEMORIAL DAY PARADE AND SERVICE. Councilmember Truex advised that the parade was scheduled for May 27th.

Mayor Venis added that Marsha Boyd, a former Town activist had also passed away and he extended his condolences.

COUNCILMEMBER STARKEY (8:03 p.m. - 8:07 p.m.)

FUNDRAISER FOR E. CLAY SHAW. Councilmember Starkey reported that she had attended this fundraiser and that Vice-President Cheney spoke about the current administration's dedication to hometown security.

EARTH DAY CELEBRATION. Councilmember Starkey advised that she had attended the celebration, which was a groundbreaking for the University of Florida's research facility.

AIRPORT EXPANSION TASK FORCE. Councilmember Starkey reported that the next meeting was scheduled for May 15th at the Airport Terminal.

NOB HILL TRAFFIC STUDY. Councilmember Starkey advised that the final recommendations would be completed on May 7th.

RELAY FOR LIFE. Councilmember Starkey, Jane Jones, and the Peachtree Mob also received awards for their participation in this fundraiser.

JAIL AND BAIL. Councilmember Starkey stated that this would be the next fundraiser for the American Cancer Society and she would be assisting in organizing it.

TOWN COUNCIL MINUTES
MAY 1, 2002

COUNCILMEMBER PAUL (8:07 p.m. - 8:25 p.m.)

LAND PRESERVATION BOARD. Councilmember Paul asked what time the Town's presentation to the Land Preservation Board was scheduled for with Parks and Recreation Director Dennis Andresky responding 2:00 p.m.

COUNCIL VACATIONS. Councilmember Paul questioned if it was possible to have the Council meeting on July 10th rather than July 17th, so that staff could take vacations. She asked that this be added to the next agenda for discussion.

JUNIOR ROTC. Councilmember Paul thanked the Fire Department for their participation in the partnership with the School Board of Broward County. She explained that the Department had sent one of their units to the Junior ROTC review at Markham Park.

BEST WISHES. Councilmember Paul extended best wishes to Mr. Stahl.

PURCHASE OF DEVELOPMENT RIGHTS. Councilmember Paul reported that the application deadline had been extended until June 30th.

CONGRATULATIONS. Councilmember Paul congratulated Tom Green from Broward Community College for receiving a teaching award.

BEST WISHES. Councilmember Paul wished Norm Blanco best wishes in his recovery from illness.

DISTRICTING. Councilmember Paul spoke of districting issues and attempts by some Councilmembers to push development in her district. She pointed out the Councilmember whose district was affected received the brunt of the concerns from his or her district. Councilmember Paul felt that workshops should be scheduled where these issues could be addressed publicly. She also pointed out that she had made comments at the last Council meeting that she wanted to be aware of what proposals were being made for her district. Councilmember Paul specifically spoke of a proposal for a commercial development on Shotgun Road.

Mayor Venis agreed and stated that he was opposed to the proposal, but this was what the residents wanted. He agreed that workshops should be held so that the public could be informed. Vice-Mayor Clark stated that workshops would be helpful because it would eliminate rumors and ultimately all development affected the entire Town.

Councilmember Truex advised that he had been approached by individuals regarding the Shotgun Road proposal and he did not intend to keep it a secret, nor did he intend to promote something outside his District. Councilmember Starkey hoped there were no presumptions that Councilmembers were voting one way or another.

6. TOWN ADMINISTRATOR'S COMMENTS (8:25 p.m. - 8:28 p.m.)

CITIZENS RESPONSE SOFTWARE. Mr. Willi reported that the system was in place and explained how it would be used.

GRANT WRITER. Mr. Willi reported that the grant writer had begun working for the Town on April 29th.

CAPITAL BUDGET. Mr. Willi stated that the capital budget was ready and would be distributed. He stated that a public hearing was scheduled for June 19th, which would allow Council six weeks to review the budget.

**TOWN COUNCIL MINUTES
MAY 1, 2002**

Councilmember Truex asked if the Capital Budget could be posted on the website. Mr. Willi replied affirmatively.

AIRPORT EXPANSION STUDY. Mr. Willi stated that the Town had met the deadline to submit its response to the FAA/EIS.

7. TOWN ATTORNEY'S COMMENTS

Mr. Connick had no comments.

8. CONSENT AGENDA (8:28 p.m. - 8:47 p.m.)

Minutes

8.1. March 6, 2002 - Regular Meeting

Proclamation

8.2. National Public Works Week (May 19 - 25, 2002)

Home Occupational License

8.3. Ecolink, LLC, 12560 SW 34 Place

Resolutions

R-2002-94 8.4. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF A PARKING LOT AT BETTY BOOTH ROBERTS PARK. (United Underground Contractors Corp. - \$13,780)**

R-2002-95 8.5. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF A PARKING LOT AT POTTER PARK. (United Underground Contractors Corp. - \$17,209)**

R-2002-96 8.6. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SPRIGGING AND TURF MAINTENANCE AT NOVA PRACTICE FIELD. (Emerald Island Turf - \$11,575)**

R-2002-97 8.7. **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 97-075 FROM \$31,750 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (Amadeo)**

R-2002-98 8.8. **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 00-561 FROM \$35,500 IN AMOUNT TO \$2,500; AND PROVIDING AN EFFECTIVE DATE. (LEF/Davie LLC)**

**TOWN COUNCIL MINUTES
MAY 1, 2002**

8.9. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-99 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE
"UNIVERSITY ACRES PLAT" (144-11), AND PROVIDING AN EFFECTIVE
DATE. (DG 4-1-02, 5331 SW 82 Avenue)

8.10. **SUMMER FOOD SERVICE PROGRAM** - A RESOLUTION OF THE TOWN OF
R-2002-100 DAVIE, FLORIDA, AUTHORIZING THE BROWARD COUNTY SCHOOL
BOARD FOOD SERVICES, TO PROVIDE THE SUMMER FOOD MEALS UNDER
THE STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD
SERVICE PROGRAM FOR THE TOWN OF DAVIE. (\$9,000)

Temporary Use Permits

8.11. TU 3-4-02, Young at Art of Broward Inc., 11584 State Road 84

8.12. TU 4-3-02, Office Depot, 1904 South University Drive

8.13. TU 4-4-02, Bristol West Insurance, 5701 Stirling Road

Councilmember Truex requested that items 8.7 and 8.8 be removed from the Consent Agenda.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve the Consent Agenda minus items 8.7 and 8.8. In a voice vote, all voted in favor. (Motion carried 5-0)

8.7 Councilmember Truex stated that the Town had guidelines regarding mitigation and he felt that the mitigation of the lien left an incentive for people to accumulate liens. He stated that he spoke with Mr. Connick who indicated that this could be accepted as it was or Council could change the amount.

Development Services Director Mark Kutney explained that the guidelines allowed for the Town to get back a reasonable amount of their costs. He felt that for long term concerns, it would be beneficial for staff to meet with the Special Master to address Council's concerns.

Mr. Connick explained that there was a finding of the amount indicated and advised that this amount stayed as a lien on the property, but the property owner could request a mitigation. He advised that Code Compliance Supervisor Daniel Stallone would decide on a fair amount based on the mitigation summary and if the applicant did not agree, a meeting would be arranged before the Special Master, who would then determine how it should be handled.

Vice-Mayor Clark agreed that the guideline should be followed and at the very least, the property owner should pay half.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to mitigate to one half of the guideline which would be half of \$5,789.19. In a voice vote, all voted in favor. (Motion carried 5-0)

8.8 Councilmember Starkey indicated that this property was within the Community Redevelopment Agency area. She indicated that she believed the site plan would be coming before the Agency soon and advised that she would be more in favor of tabling this item to ensure that the project moved forward. Councilmember Starkey asked if the Agency had

**TOWN COUNCIL MINUTES
MAY 1, 2002**

discussed this. Mr. Kalis stated that Lefmark recognized that they had to demolish the buildings and after working with staff and Agency, they did not attempt to postpone this project. He believed that Lefmark had some expectation that the fines would be mitigated. Mr. Kalis felt that Lefmark was attempting to work with the Agency, but he was not sure of the discussion with staff.

Councilmember Truex made a motion, seconded by Councilmember Paul, to approve subject to mitigating to one half of the guideline. In a voice vote, all voted in favor. (Motion carried 5-0)

9. PUBLIC HEARINGS (8:47 p.m. - 8:56 p.m.)

Ordinances - Second and Final Reading

9.1. **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 17, 2002) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

2002-12 9.2. **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 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)

R-2002-13 9.3. **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 COUNCIL MINUTES
MAY 1, 2002**

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 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 15, 2002)

9.4. **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 17, 2002)

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)

9.5. **VACATION/ABANDONMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, RELEASING AND VACATING AND ABANDONING DRAINAGE EASEMENT FOR COLLEGE AVENUE AND REPEALING ORDINANCE NO. 86-50 ACCEPTING THE DEDICATION OF CERTAIN LANDS TO THE PUBLIC USE FROM HAMILTON C. FORMAN, TRUSTEE, AND MILES AUSTIN FORMAN, TRUSTEE; AND PROVIDING AND EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on May 15, 2002.

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)

9.6. **RATE SCHEDULE** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN'S OCCUPATIONAL LICENSE RATE SCHEDULE IN ACCORDANCE WITH CHAPTER 205.0535(4) OF THE FLORIDA STATE STATUTES BY INCREASING THE RATE OF EACH CLASSIFICATION BY FIVE

**TOWN COUNCIL MINUTES
MAY 1, 2002**

PERCENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on May 15, 2002.

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

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

Quasi Judicial Item

9.7. **SPECIAL PERMIT - SE 2-1-01, LaFlamme/University Private School, 5531 SW 82 Avenue (CF) (to allow 5 portable classroom buildings to be used for period of time not to exceed 3 years while construction of new school buildings take place)**
Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval

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

Councilmember Truex asked where the students would be housed before the Certificate of Occupancy was received. Mr. Kutney explained that the concern was that the applicant did not go over the agreed upon timeline.

Mayor Venis opened the public hearing portion of the meeting.

Ronald LaFlamme, representing the petitioner, explained that the level of development was not increasing. He stated that the portables would be removed prior to receiving the Certificate of Occupancy for the new building.

Mayor Venis closed the public hearing.

Councilmember Truex made a motion, seconded by Councilmember Paul, to approve subject to staff's recommendations. 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)

Item to be tabled

9.8. **PLANNING AND ZONING BOARD TABLED TO APRIL 24, 2002; COUNCIL CAN TABLE TO MAY 15, 2002**

SE 3-1-02, Nova Southeastern University, 3301 College Avenue (CF)

This item was tabled earlier in the meeting.

10. **APPOINTMENTS** (*Pursuant to Ordinance 2002-9, all appointments are to be registered voters unless the person is a minor or a legal resident alien*) (8:56 p.m. - 9:01 p.m.)

10.1. 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)

**TOWN COUNCIL MINUTES
MAY 1, 2002**

Councilmember Starkey deferred her appointment.

10.2. Community Relations Advisory Boards (one exclusive appointment - Councilmember Truex; terms expire April 2004)

Councilmember Truex deferred his appointment.

10.3. 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 appointment.

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

Councilmember Truex deferred his appointment.

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

Councilmember Starkey deferred her appointment.

10.6. 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)

Councilmember Starkey and Councilmember Truex deferred their appointments.

10.7. Planning and Zoning Board/Local Planning Agency (one exclusive nomination per Councilmember - must be a resident and qualified voter; nominations require approval by Council) (term May 22, 2002 to May 20, 2003)

Councilmember Truex reappointed Bob Waitkus. Vice-Mayor Clark appointed Casey Lee. Councilmember Paul reappointed Mike Bender. Councilmember Starkey reappointed Mimi Turin. Mayor Venis appointed George Greb. In a voice vote, all voted in favor. (Motion carried 5-0)

11. OLD BUSINESS (9:01 p.m. - 9:20 p.m.)

11.1. Policy Determination for Amending the Jolmy Annexation Agreement

Town Engineer Larry Peters explained the nature of the request.

Arnold Ramos, representing the petitioner, explained why the petitioner was justified in requesting the amendment of the annexation agreement.

William Meyers, 2147 Mont Pelier - Weston, stated that this property was originally unincorporated and he had developed it into a "decent piece of property." He referred to the contract that he and Mayor Venis had signed in 1996 and stated that the billboard regulations

**TOWN COUNCIL MINUTES
MAY 1, 2002**

were adopted the same year. Mr. Meyers spoke of the history of this site, the contract, and the annexation. He felt it was only right that he pay the same amount of money as everyone else.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to direct staff to not move forward with this request.

Sylvia Clements referred to resolution R-99-20 regarding billboards and felt the "playing field should be level." She stated that this project had been three years in the making and a truck stop needed advertising billboards. Ms. Clements stated that they had no problem donating the necessary monies.

Councilmember Truex addressed comments regarding the "level playing field" and felt that a truck stop could function without billboards. He stated that attorneys had advised that Jolmy was not entitled to what they were asking for and he did not feel that the petitioner was offering enough.

Vice-Mayor Clark felt that it was not fair to make one applicant responsible for how Council had split the billboards. She added that the attorney did not say that Jolmy could not have billboards, but whether the one billboard should be higher than 65 feet. Vice-Mayor Clark felt the request was fair.

Councilmember Truex reiterated the motion to direct staff not to proceed with the request. Mr. Peters clarified that the billboard could be 35 feet for all three signs. He advised that the request was for two signs at 65 and 90 feet on the third.

In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Clark - no; Councilmember Paul - yes; Councilmember Starkey - no; Councilmember Truex - yes. (Motion denied 2-3)

Vice-Mayor Clark made a motion to approve the request by the applicant for the amendment. The motion died due to the lack of a second.

Councilmember Starkey discussed the legal opinion, the resolution and the agreement. Mr. Ramos advised that the request was to amend the agreement. He advised that the applicant did not agree with the legal opinion. Mr. Willi advised that Mr. Burke was the attorney who rendered the legal opinion. Mr. Ramos advised that the request was to amend the agreement so that the wording was consistent with the other billboards.

Councilmember Paul indicated that this matter should not be addressed by letter but Council should have all the documentation. Mayor Venis suggested that this item be deferred until Mr. Kiar returned. Ms. Clements indicated that a letter was on file that indicated that Mr. Kiar or Mr. Connick could not preside over this issue. Councilmember Starkey suggested that staff research this issue chronologically. Mr. Meyers advised that the legal opinion was not based on all the documentation.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to send this issue back to Mr. Burke. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Willi asked if Council wanted staff to place this item on an agenda with the annexation agreement language changed. Councilmember Paul indicated that she wanted it done appropriately with the proper documentation. Councilmember Truex indicated that there should be a public hearing.

**TOWN COUNCIL MINUTES
MAY 1, 2002**

12. NEW BUSINESS (9:20 p.m. - 9:38 p.m.)

12.1. Staff Report Recommendations - Councilmember Paul

Councilmember Paul indicated that when the Town had been sued on development issues that Council denied, the primary issue used by opposing attorneys was that staff had recommended approval. She felt that this gave staff's decision more weight than Council's and asked that the staff report language be changed so that the responsibility of the final decision was on Council.

Mr. Kutney advised that he had spoken with Mr. Maurodis who had recommended that a workshop be held to review issues regarding quasi-judicial matters and staff reports. Councilmember Paul felt that both pros and cons should be indicated in the staff report so that Council could weigh the issues. Mayor Venis felt that staff reports were very definitive, but sometimes they did not include comments from the community and the reports could be challenged by a shrewd attorney.

Mr. Kutney stated that more information could be added to the report and recommended that the Town's land use attorney be consulted prior to any changes being made. Councilmember Paul felt it was illogical that staff was being used against Council in a court of law. She agreed that Mr. Maurodis should be consulted. Mr. Kutney stated that he would arrange a workshop with Mr. Maurodis for May 14th.

Mr. Connick felt that the issue raised by Councilmember Paul was valid so that Council could have as much authority as possible in making decisions, especially where there were factual agreements. He added that nothing required staff to include reports and/or recommendations. Mr. Kutney indicated that Mr. Maurodis felt the presentation from staff could be modified. He also clarified that staff had no attorney advising them on controversial issues, whereas Council had the Town Attorney present when they address quasi-judicial matters.

Councilmember Starkey agreed with Councilmember Paul and felt that a workshop should be scheduled.

Mayor Venis felt the Town Attorney's authority should be expanded so that he could work with staff more closely on controversial issues.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 9:38 p.m.

Approved _____

Mayor/Councilmember

Town Clerk