

**TOWN OF DAVIE
REGULAR MEETING
JUNE 5, 2002**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:08 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.

Mayor Venis called for a moment of silence for Southwest Ranches Vice-Mayor Johnny Dollar who passed away on June 4th. Mayor Venis advised of the arrangements for the viewing and service.

3. OPEN PUBLIC MEETING (7:08 p.m. - 7:33 p.m.)

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

Joy Yoder wished Councilmember Paul a happy birthday and presented her with a gift from students.

Norm Blanco, 2080 SW 72 Avenue, thanked Council and staff for their well wishes during his recovery from recent heart attacks. He spoke about the statistics regarding education showing Florida ranked 49 out of 50 states in education standards by a national organization. Mr. Blanco spoke disparagingly about legislative decisions regarding education.

Arthur Joseph, 13700 SW 18 Court, presented a letter from the Broward County Commission stating that the Town had received a \$192,000 rebate from the resource recovery plan in fiscal year 2001. He stated that the source of the money for supporting these burners was residents' garbage bill payments and felt that this should not go into the Town's general budget. Mr. Joseph indicated that he would pursue through the State Attorney's Office, the reimbursement of these funds to the residents of the Town. He spoke about Councilmember Starkey's comment about the Nob Hill Road/State Road 84 study and disagreed. Mr. Joseph spoke about the change in traffic patterns and the new school she spoke about, stating that he felt it was absurd to put another school at the site mentioned at the last meeting.

Mr. Willi indicated that Council would be consulted about how the money from the resource recovery should be spent. Councilmember Truex suggested a possible rebate to residents and Mr. Willi felt this would be difficult as the Town did not bill directly.

Dean Alexander, 13820 SW 16 Street, reported about the Senior Citizen Law Project, which provided services to senior citizens and presented brochures to Council.

Davie Freelove, 2605 SW 73 Way, spoke on behalf of Nova Village reporting about the fire extinguisher issue there. Mayor Venis asked that this issue be placed on the next agenda.

Phyllis Hope advised that she was running for School Board District 6 and spoke about several issues that comprised her platform for her campaign. She explained that she worked for Broward Schools and felt that teachers' salary needed to be improved, classroom size needed to be reduced and school safety needed to be improved.

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Mary Auerbach, 3920 NW 77 Avenue, stated that the Utility Department turned her water off last night and complained that this Department needed to have the ability to take a credit card over the phone.

Mayor Venis closed the open public meeting.

4. PRESENTATIONS (7:33 p.m. - 9:35 p.m.)

4.1. School Board Sponsorship - Councilmember Paul

Councilmember Paul advised that a plaque had been received from the Broward County School's Department of Student Activities and Leadership.

4.2. Take-A-Kid Fishing - Bonnie Stafiej

Special Projects Director Bonnie Stafiej advised that the Town recently held its 19th Annual Take-A-Kid Fishing event. She thanked the sponsors and presented them with certificates of appreciation.

4.3. Legislative Update - David Sigerson

Mr. Sigerson provided a legislative update reporting that the session was dominated by budget deficits for current and projected years and with redrawing legislative and congressional districts. As a result, several major "must pass" bills were not passed including the annexation bills in Broward County. Mr. Sigerson reported that clever use of definitions and restrictive language precluded Davie from being chosen for United Ranches.

Mr. Sigerson stated that there was a major proposal to make it more difficult for Community Redevelopment Agencies. He felt that the Council's attendance and involvement in Tallahassee were important and a helpful resource. The result of the bill did not affect existing Community Redevelopment Agencies. Mr. Sigerson advised that reforms for affordable housing were decided upon and disbursement of funds needed to be investigated. He discussed the citrus canker issue.

Dave Erricks advised about the property appraiser exemptions, stating that the exemption could be kept until the use was changed.

Councilmember Starkey thanked Mr. Erricks and Mr. Sigerson for their coordinated effort in Tallahassee.

Mayor Venis advised that the items to be added were 12.3, 12.4, 12.5, 12.6 and 12.7.

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

Mayor Venis announced that item 12.1 would be heard at this time.

12.1. Councilmember Truex reported that there were a number of items that would be voluntary deed restrictions. Alcoholic beverages were the primary motivation, but several other items also needed to be addressed.

Bill Laystrom, representing the petitioner, spoke about the number of uses proposed to the residents, stating that the residents did not want alcoholic beverages. He noted that the

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restrictions were voluntary and most of the proposed uses were permitted. Mr. Laystrom felt that the petitioner was entitled to the allowed uses, including alcoholic beverage sales for a restaurant.

Mr. Kiar stated that permitted uses could be utilized under the Code and added that Council had voted 4-1 against alcohol use in the restaurant. He advised that there could be a motion made for reconsideration of the entire application.

Mr. Blanco stated that the eight associations were against a liquor license being granted to any business in this project. He asked Council to not reconsider, but stand by their vote.

Councilmember Truex asked that this to be reconsidered and that the petitioner reconsider his position on alcohol license. He felt a compromise could be reached.

Vice-Mayor Clark asked Mr. Kiar if the previous motion was a voluntary deed restriction. Mr. Kiar advised that if there was a vote to reconsider; the debate regarding whether or not to approve would begin again. Vice-Mayor Clark stated that it seemed that Council had placed a restriction on the petitioner, even though the use was permitted. Legal counsel Tom Connick advised that based on the unique circumstances, this should be a restriction.

Councilmember Truex questioned if the petitioner was not changing his position on the alcoholic beverages. Mr. Laystrom responded negatively based on the conversation with the residents. Councilmember Truex indicated that his only reason to reconsider was if the petitioner was changing his decision.

9.1 Town Clerk Muniz read the ordinance by title. Mr. Kutney summarized the planning report. He advised that there had been additional meetings with the residents and there were questions about the road and how this was being processed.

Mayor Venis felt that the road was the biggest issue. Mr. Kiar explained that a letter of opinion showed the petitioner as the owner of the property. He summarized the title and survey findings regarding the easement and the road and the history of the ownership of this property.

Jim Brady, representing the petitioner, spoke about the history of this item and the meetings with the park owner, various residents and Town staff. He reminded Council of their original concerns at the first reading of this item and reported that after a subsequent meeting, the residents recommended approval. Mr. Brady submitted a letter from the owner indicating support of the project, a form letter to the residents from Mr. Damerau of DFD Development, asking for support and letters endorsing the project as valuable to the community and residents. Mr. Brady stated that the petitioner had responded to each of the Councilmembers' requests and agreed with Mr. Kiar's findings that the petitioner owned the land. Letters in opposition to the project were submitted and Mr. Brady asked Council to approve the request.

Mayor Venis opened the public hearing portion of the meeting.

Lenore Volboth, 10550 State Road 84, was opposed to the project due to possible expenses incurred by residents, impact on traffic, and plans to replace the guardhouse, but not provide security. She spoke about the narrowed road and the problems in bringing in new homes. Ms. Vorboth advised that the residents did not want the change.

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Maria Rubino, president of the homeowner's association, stated that the association was not opposed to the project, but it was concerned with the traffic and the limited road they would be allowed to use. She indicated that the residents would like the width of the road to be increased.

Bill Martin, resident of Park City West, was in favor of the project and felt that nearly all residents agreed with him.

David Damerou, representing the petitioner, spoke about the proposed improvements, indicating that the result would be two 14-foot roads, wider than the one road residents currently had. He referred to the turn that was of concern, stating that he had met with Mr. Willi and a plan was made to move it six feet, which could result in slowing traffic. Mr. Damerou spoke about guardrails provided along the side and the planting of Royal palms to enhance the property. He discussed the letters sent to the residents and asked Council to approve this project.

Councilmember Starkey agreed that the owner had the right of access and the findings were not available at the time of the first reading. She felt that many of the concerns had been successfully addressed. Councilmember Starkey did not like the warehouse-look in general. Mr. Damerou explained the proposed windows and landscaping which would result in more of an office park look.

Councilmember Paul asked for clarification on the road width regarding the moving of mobile homes in and out of the park. Mr. Damerou understood the residents' concerns and stated that the 14 feet represented a road two feet wider than the Department of Transportation's standard.

Mr. Connick advised Council that conditions could be set and would not have to wait until site plan. Mr. Brady felt that site plan was truly the right time to deal with the recommendations. Mr. Kutney agreed that site plan was the appropriate time to address issues. Mr. Connick clarified that Mr. Brady agreed to the stipulations. Mr. Damerou agreed to the stipulations discussed.

Ms. Vollborth expressed concern that this project would create a road that would make it difficult for large vehicles to make this turn. Councilmember Starkey indicated that this turn was at the entry of the gate and around the gatehouse.

An unknown speaker stated that the gatehouse would be in exactly the same place it was now and the resulting road would have to be approved through the Engineering Department. The speaker felt this would be a non-issue.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve based on the recommendations of Planning and Zoning and the voluntary restrictions, there were no charges to the residents of the mobile home community for any of this project, that it must be funded totally by the developer, including the turn lane from 84, the alignment of the road to the entrance, the 14-foot width of each ingress and egress lane, a six foot median strip, the landscaping as described by the owner and petitioner, that the owner start the landscaping on the side first and everything that was agreed to by the petitioner. Mayor Venis stated that the petitioner agreed that there would be no cost to residents of the community. 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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Mayor Venis called for a five minute recess and then reconvened the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Truex, to reconsider item ZB 4-1-02. She advised that this was a project off State Road 84 that was denied at the last Council meeting because of traffic issues.

Councilmember Starkey indicated that the petitioner had worked with staff on the traffic concerns and had agreed with Development Services. She advised that she met with the petitioner and Planner Marcie Nolan and progress had been made with the plans set forth by the applicant. Councilmember Starkey explained the issue, which centered around traffic concerns.

In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey made a motion, seconded by Councilmember Truex, to table the item to June 19, 2002. In a voice vote, all voted in favor. (Motion carried 5-0)

5. MAYOR/COUNCILMEMBER'S COMMENTS

Comments were provided later in the meeting.

6. TOWN ADMINISTRATOR'S COMMENTS

No comments were given.

7. TOWN ATTORNEY'S COMMENTS

No comments were given.

8. CONSENT AGENDA (9:35 p.m. - 9:58 p.m.)

Minutes

8.1. April 3, 2002 - Regular Meeting (tabled from May 15, 2002)

8.2. April 17, 2002 - Regular Meeting

8.3. April 29, 2002 - Workshop Meeting

8.4. May 1, 2002 - Special Meeting

Proclamation

8.5. James G. Aucamp, Sr. Day (June 13, 2002)

8.6. American History Days in Davie (June 17-28, 2002)

Home Occupational Licenses

8.7. ABARR Services Inc., 1575 SW 115 Avenue

8.8. Get Smart Home Inspections, Inc., 1801 SW 117 Avenue

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Resolutions

- 8.9. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-120 AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND/OR APPROPRIATE STAFF TO SUBMIT AN APPLICATION, AND IF AWARDED PERMISSION TO ACCEPT GRANT FUNDING UNDER THE UNIVERSAL HIRING PROGRAM 2002 GRANT FOR \$375,000 ALLOCATING THE REQUIRED MATCH OF APPROXIMATELY \$470,895 OVER A THREE YEAR PERIOD FOR FIVE ADDITIONAL POLICE OFFICERS.
- 8.10. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2002-121 THE BID FOR ATHLETIC EQUIPMENT. (lowest responsive and responsible bidder - \$70,000/year)
- 8.11. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2002-122 THE BID AWARDED BY THE STATE OF FLORIDA, AGREEMENT NO. 6502386-2 FOR THE SUPPLY OF CONCRETE BOLLARD MARKERS FOR THE TOWN OF DAVIE RECREATIONAL TRAIL SYSTEM. (Wausau Tile - \$35,148)
- 8.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2002-123 THE BID FOR FIELD FORCE EQUIPMENT. (lowest responsive and responsible bidder - \$24,780)
- 8.13. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-124 AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF SPECIALIZED NIGHT VISION EQUIPMENT. (Southern Precision Armory - \$19,605)
- 8.14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-125 AUTHORIZING THE MAYOR AND/OR THE APPROPRIATE STAFF TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE FOR THE USE OF DRUG SNIFFING DOGS.
- 8.15. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-126 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN ARROWHEAD GOLF & TENNIS CLUB NO. ONE AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 8.16. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-127 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN PARADISE VILLAGE AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

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- 8.17. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-128 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
STONEBROOK ESTATES AND THE TOWN OF DAVIE POLICE DEPARTMENT
FOR TRAFFIC CONTROL.
- 8.18. **CLASS SPECIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2002-129 FLORIDA, ADOPTING THE CLASS SPECIFICATION OF UTILITIES
MAINTENANCE MECHANIC TRAINEE AND ASSIGNING A PAY GRADE,
IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN; AND
REVISING THE JOB SPECIFICATION OF UTILITIES MAINTENANCE
MECHANIC.
- 8.19. **LOAN SUBSIDY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-130 RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S
APPROVAL OF A COMMERCIAL LOAN SUBSIDY PROGRAM ASSISTANCE
TO GEORGE RULLO. (Megan South, Inc., 6521 Orange Drive)
- 8.20. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A
R-2002-131 BOUNDARY PLAT TITLED, "STIRLING TRIANGLE PLAT", 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 8-
4-01, 6099 Stirling Road) *Planning and Zoning Division recommended approval subject
to the planning report; Planning and Zoning Board recommended approval*
- 8.21. **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-132 APPROVING A SUBDIVISION PLAT KNOWN AS LONG LAKE RANCHES
PLAT ONE 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 3-1-02, west side of Nob Hill Road, south of I-595) *Planning
and Zoning Division recommended approval; Planning and Zoning Board recommended
approval*
- Site Plan*
- 8.22. SP 2-2-02, Jasmine Lakes - Phase II, 4701 SW 62 Avenue (RM-16) *Planning and
Zoning Division recommended approval subject to the planning report; Site Plan
Committee recommended approval*

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Site Plan Modification

- 8.23. SP 3-4-02, Andrx Pharmaceuticals, Inc., 4955 Orange Drive (M-3) *Planning and Zoning Division recommended approval; Site Plan Committee recommended approval based on the planning report and based on that Andrx has the landscape plan recertified by Thomas Laubenthal or an equal such as a certified arborist or a landscape architect; that all deficiencies in the landscape plan must be corrected before issuing a building permit; that the job was to look like the original landscape plan with the new revisions including the wetlands; that after the work has been completed, it was to be inspected by the Town of Davie; and after the inspection, they could get a permit for this additional modification*
- 8.24. SP 3-6-02, Riverstone (formerly known as Imagination Farms West), 4200 Shotgun Road (E) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval based on the planning report; to draw attention to Council that the 3.55 acre park was actually only 2.7 acres of recreation center, that approximately .75 acres included the school bus drop off and entrance feature; and that the design features on the front of the houses, which may include but not be limited to banding, be carried all the way around the house in similar character to the elevation style, and should be designated on the plans*

Temporary Use Permit

- 8.25. TU 4-2-02, Nova High School Band, 5109 - 5199 University Drive, Renaissance Plaza

Vice-Mayor Paul requested that items 8.6, 8.21 and 8.24 be removed from the Consent Agenda. Councilmember Truex requested that item 8.14 be removed.

Vice-Mayor Clark made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 8.6, 8.14, 8.21, and 8.24. In a voice vote, all voted in favor. (Motion carried 5-0)

8.6 Councilmember Paul read the proclamation and presented the proclamation to Mike Salerno who spoke about Councilmember Paul's retirement from teaching. He thanked her for her efforts.

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

8.14 Councilmember Truex indicated that he had a concern with Broward County's drug and substance abuse policy. He advised that the School Board policy stated that it would not search students, their possessions or vehicles unless there was reasonable suspicion. Councilmember Truex did not agree with the language in the resolution, stating that the agreement could infringe on civil liberties of students.

Police Chief John George stated that this resolution defined the boundaries and added that other cities had adopted similar resolutions.

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Councilmember Starkey referred to Article 2.02, which limited the search to students' property and questioned the definition of "scope of search". Chief George stated that Section 2.01 provided that law enforcement could deny the search if they felt it was inappropriate.

Vice-Mayor Clark agreed with Councilmember Truex that she did not want her children to go through a search for no reason and indicated that the proposal provided that reasonable cause was not required. Councilmember Truex indicated that he thought it was a good idea but did not agree with the School Board's policy.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Truex and Vice-Mayor Clark dissenting, all voted in favor. (Motion carried 3-2)

8.21 Councilmember Paul questioned the recreational trails. Kevin Ratterie, representing the petitioner, indicated that this was specific to "Parcel A" and did not include the subdivision plats of "Parcel B" and "Parcel C". Councilmember Paul spoke about the connecting trails and asked if any of the canal easements could be tied into the trail system or if a section along Nob Hill could be included. Mr. Ratterie stated that the units on this property were sold based on the approved site plan. To change it would then be a misrepresentation.

Councilmember Paul spoke about the private road and asked how this could provide public access. Mr. Ratterie stated that there was a declaration which provided for public access during daylight hours.

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

8.24 Councilmember Paul spoke about the changes to the entry feature of this property. She stated that the addition of the bus stop was a positive change and spoke of the need for traffic calming.

An unknown speaker spoke about a meeting with a County special project coordinator resulting in some consideration for a roundabout at SW 36^t Street and Shotgun Road, which aligned with the entrance of this property. The design was going forward and would be submitted to the County.

Councilmember Paul made a motion, seconded by Councilmember Starkey to approve including the traffic calming on 154 Avenue. In a voice vote, all voted in favor. (Motion carried 5-0)

9. PUBLIC HEARINGS (9:58 p.m. - 10:43 p.m.)

Mayor Venis opened the public hearing portion of the meeting.

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Ordinances - Second and Final Reading

- 2002-17 9.1. **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. (tabled from May 15, 2002) (DFD Capital Dev. Corp., 10700 West State Road 84) *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 approved earlier in the meeting.

Ordinances - First Reading (Second and Final Reading to be held June 19, 2002)

- 9.2. **ZONING IN PROGRESS EXTENSION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,** EXTENDING THE PLANNING AND ZONING IN PROGRESS FOR PROPERTIES BOUND BY GRIFFIN ROAD ON THE NORTH, THE FLORIDA TURNPIKE ON THE EAST, UNIVERSITY DRIVE ON THE WEST, AND STIRLING ROAD ON THE SOUTH, AND CONFIRMING THE EXISTING ZONING IN PROGRESS PREVIOUSLY DECLARED ON JULY 3, 2001, AND RESTATED IN RESOLUTION NO. 2002-31 AND ORDINANCE NO. 2002-8 FOR THE AREA BOUND BY NOB HILL ROAD ON THE EAST, 14TH STREET ON THE NORTH, THE TOWN LIMITS ON THE WEST AND THE SOUTH, SAID ZONING IN PROGRESS APPLYING TO ALL PARCELS OF PROPERTY OF 20 ACRES IN SIZE OR GREATER, ALL PURSUANT TO SECTION 12-315 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, CONTAINING AN EFFECTIVE DATE.

Mayor Venis advised that a public hearing would be held on June 19, 2002. Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting

Bill Laystrom objected to the zoning in progress extension, stating that the extension would impact two properties that his client planned to develop. He spoke about a site plan at Orange Drive and Flamingo Road and displayed a plan to Council. Mr. Laystrom explained the cluster concept, green space, traffic calming built into the project, hidden entrance feature, and a natural buffer along Flamingo Road with pedestrian and/or equestrian paths. He pointed out that this plan met the intent of the zoning in progress which he felt could become a prototype. Mr. Laystrom displayed the Charleston Oaks site, which he felt also met the intent of the zoning in progress. He stated that his client had waited a year and three more months and this extension would present a hardship.

Jason Curtis, 3801 Flamingo Road, stated that he was in favor of the zoning in progress.

Mayor Venis closed the public hearing.

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Councilmember Paul stated that Council needed to approve this extension in order to have the draft ordinance in place by the July 3rd meeting. She referred to the unique nature of the corners of this property and indicated that she liked the plan and asked how this would affect requests by other developers.

Mr. Kutney indicated that there was a zoning in progress to the east as well and advised that staff was not ready. He was concerned that this would open the door to others making a claim; however, staff could begin looking at the applicant's plans. Mr. Kutney advised that draft guidelines would be a help to the petitioner as well.

Mr. Laystrom stated that there was discussion in November about moving forward and still no progress had been made.

Councilmember Paul felt the draft needed to be ready by July 3rd to allow for public input.

Councilmember Truex asked if this site plan was submitted, how staff could review this without criteria. Mr. Kutney stated that this would give staff a wide open field and staff would look at more planning theory.

Vice-Mayor Clark reminded Council that because staff did not initiate the criteria in the past, GL Homes was accused of formulating this criteria to their benefit, not the Town's. Mr. Kutney stated that by Council taking this action tonight, they were leaving the compromises to staff and Mr. Laystrom. As a result, this may not be based on the Code that would mandate the decisions.

Mayor Venis spoke about the possible result if the ordinance was being worked on simultaneously with the site plan. He asked Mr. Laystrom when the site plan could be before Council. Mr. Laystrom felt that the timeline could put them before Council, after staff review, by the first of August.

Mr. Kutney spoke about staff needs and the extra assistance necessary for this project. He did not want to take time away from drafting the guidelines by working instead with Mr. Laystrom. Mr. Kutney felt that July 3rd was not a realistic deadline.

Councilmember Paul had a concern that Council was going ahead with something without proper public input. She spoke about the need to preserve the open space of this project that would be open to the public. Discussion followed about the status of the plans, the similarity to a previous zoning that generated much public interest, and the needs Mr. Kutney mentioned.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve item 9.2. 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)

- 9.3. **SCRIVENERS ERROR - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE CODE OF ORDINANCES, CHAPTER 4 - ANIMALS, ARTICLE IV - DOGS, SECTION 4-61, ENTITLED "DEFINITIONS" TO CORRECT A SCRIVENERS ERROR; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on June 19, 2002.

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)

9.4. **SUPPLEMENTAL BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 2002 BY PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS TO COVER UNANTICIPATED OR UNBUDGETED EXPENDITURES.**

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 Starkey 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 - out of room; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

9.5. **CAPITAL PROJECTS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2003-2007.**

Town Clerk Muniz read the ordinance by title. Mayor Venis advised that there would be a second public hearing on June 19, 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 to approve amending the list to change the funding for Town Hall to 2005. The motion died for lack of second.

Councilmember Starkey made a motion, seconded by Vice-Mayor Clark, to approve as amended. 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 - no. (Motion carried 4-1)

Resolution

9.6. **AMENDING CAPITAL IMPROVEMENTS - A RESOLUTION OF THE TOWN R-2002-133 OF DAVIE, FLORIDA, AMENDING THE CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEARS 2001-2002.**

Town Clerk Muniz read the resolution by title.

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

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Vice-Mayor Clark made a motion, seconded by Councilmember Paul, 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)

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*) (10:43 p.m. - 10:45 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)

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 appointed Joe Brown and deferred his second 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)

Councilmembers Starkey and Truex deferred their appointments.

10.7. Fire Employees' Pension Board (one non-exclusive appointment of legal resident; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the Board) (term expires December 2003)

This item was deferred until the next meeting.

TOWN COUNCIL MINUTES
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11. OLD BUSINESS

There was no old business to be discussed.

12. NEW BUSINESS (10:45 p.m. - 10:50 p.m.)

12.1. Reconsideration of Motion for SP 12-2-01, Nova Plaza, south side of Nova Drive, 300 feet east of University Drive

This item was considered earlier in the meeting.

12.2. Rescheduling July 17, 2002 Council meeting to July 10, 2002

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

12.3 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RECLASSIFYING THE
R-2002-134 POSITION OF ADMINISTRATIVE SECRETARY IN THE NON-REPRESENTED
PAY AND CLASSIFICATION PLAN IN THE ADMINISTRATION
DEPARTMENT TO ADMINISTRATIVE AIDE IN THE NON-REPRESENTED
PAY AND CLASSIFICATION PLAN AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Muniz read the resolution by title.

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

12.4 Davie Police Honor Guard Request to Attend and Participate in the 82nd Anniversary of the Miss American Pageant.

Councilmember Truex felt that this was an improper use of Town money. Councilmember Starkey commented that it was an honor for the Police Department to participate in this event.

Chief George stated that this was an annual event. He reported that the Honor Guard was historically the lead honor guard at this event since the City of Hacienda Village was annexed, although it was cancelled last year due to September 11th.

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

12.5, 12.6 and 12.7 Fireworks for the Davie Merchants and Industrial Association

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

MAYOR VENIS

CONGRATULATIONS. Mayor Venis congratulated his daughter and the other students who had graduated.

COUNCILMEMBER TRUEX

RESIDENTIAL YARD PICK UP. Councilmember Truex advised that the pickup would be held July 22nd - 23rd and advised of the drop off locations.

TOWN COUNCIL MINUTES
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VICE-MAYOR CLARK

Vice-Mayor Clark provided no comments.

COUNCILMEMBER PAUL

OLD DAVIE SCHOOL. Councilmember Paul invited all to an art show at the Old Davie School from June 7th - July 27th.

POLICE EXPLORERS GRADUATION. Councilmember Paul advised that she had attended this event on June 4th.

MITIGATION SITE. Mayor Venis advised that there were revised plans with some mature trees. He asked Mr. Willi to set up a meeting with residents.

COUNCILMEMBER STARKEY

POLICE/FIRE MEMORIAL. Councilmember Starkey spoke about the memorial located in Margate. She stated there would be a fund raiser to establish a memorial such as this in Davie and added that various monuments would be looked at as possibilities.

AIRPORT. Councilmember Starkey felt it was important for the public to discuss these items with the Broward County Commission.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 10:50 p.m.

Approved _____

Mayor/Councilmember

Town Clerk