

**TOWN OF DAVIE  
REGULAR MEETING  
SEPTEMBER 4, 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 (arrived at 7:31 p.m.) and Councilmembers Paul, Starkey, and Truex. Also present were Town Administrator Willi, Town Counsel Connick and Town Clerk Muniz recording the meeting.

Mayor Venis advised that Vice-Mayor Clark was going to be late.

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

**3. OPEN PUBLIC MEETING**

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

George Deeb, 2330 SW 106 Terrace, spoke against the Town's view on prohibiting gas-powered vehicles on Davie's waterways. He felt that the community was not fairly informed and encouraged Council to further research other possible remedies. Mr. Deeb also urged Council not to support this ordinance.

Lynne Watters, representing Family Central, Inc., spoke of the positive work her organization did for children and asked that Council continue to fund Family Central, Inc.

Wayne Arnold, Central Broward Water Control District Commissioner and Chair of the Community Redevelopment Agency, stated that a neighborhood meeting was scheduled for September 7th at the Eastside Community Center concerning promising initiatives to improve infrastructure needs in that area. He also spoke of various financial opportunities for residents in this community to improve housing. Mr. Arnold invited residents to the September 17th meeting of the Davie Merchants and Industrial Association and advised that former Sheriff Nick Navarro was scheduled to speak.

Ron Robinson, 9300 SW 23 Street, introduced himself as a candidate for the Central Broward Water Control District/District 2 seat. He spoke of his background in this area.

Dave Donzella announced his candidacy for Central Broward Water Control District/Zone 6 and spoke of his background and goals for this organization.

Marty Rubenstein, 9214 NW 48 Street, candidate for School Board District 6, spoke of his experience and his goals if he were elected. He also spoke of how he would support the Town in its educational needs, especially new schools.

Joe Orandello, 14660 SW 17 Court, spoke of municipal liens placed on his property by the Town. He spoke of his willingness to settle this issue and an offer he had made to resolve it. Council directed Mr. Kiar to meet with Mr. Orandello to try to resolve this issue.

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Becky Stone announced that she had won the Miss Teen US Continental and offered her services and support to the Town. Councilmember Starkey reported that Ms. Stone had won a four-year scholarship to Nova Southeastern University.

Linda Baca, 3995 SW 56 Avenue, asked that the Town rethink their policy toward the equestrian community because she felt the equestrian community had been neglected.

Joy Yoder, 12610 SW 113 Manor, spoke about recording secretaries for Town boards. She felt that an objective party should be taking minutes because there were concerns that Board members were distracted when taking notes and that they could not be objective when transcribing. Ms. Yoder also reported that the Child Safety Board sold 24 bicycle helmets to children in the community.

Councilmember Truex advised that a form had been developed for the Boards to report motions only. Mr. Willi confirmed this and stated that the form had not yet been enacted. Councilmember Paul stated that summary minutes were oftentimes the only way for Councilmembers to know what was discussed at meetings and without this, she did not have enough information to know what was actually going on at the various Boards. Mayor Venis advised that staff would provide recording equipment and the forms. Councilmember Starkey stated that staff would transcribe the recording and felt that this format was adequate. She stated that the person who took the minutes only had to write brief descriptions of what the issues were.

Ms. Yoder reiterated that the person charged with taking the action minutes was a member of the Board and could not be non-biased. Mayor Venis reiterated that staff would do the transcribing. Councilmember Truex urged Ms. Yoder to try the new format for a few months and if there were still concerns, Council would continue to try to resolve them.

Pau Ling-Wu, 5565 SW 61 Avenue, advised that he was present regarding item 8.1. Mayor Venis advised that this item was on the Consent Agenda.

**4. PRESENTATIONS**

**4.1. Rising Star Softball Tournament**

Syd Weiner, representing the Rising Star Softball Tournament, spoke of the tournament and how it was tailored to high school females so they would have opportunities to be recruited to colleges with softball scholarships.

John Wett spoke about the positive economic impact this tournament had on the local community. He praised the Town's sports facilities and urged Council to support this endeavor. Mr. Wett stated that this organization had volunteers who would prepare the fields.

Councilmember Paul was concerned about the costs that would inevitably be incurred by the Town. She referenced estimated costs that appeared on a report prepared by Park and Recreation Department Director Dennis Andresky. Assistant Town Administrator Ken Cohen spoke of the revenues that could be incurred by the businesses in the Town. He stated that staff was comfortable waiving half of the fees for this first event. Mr. Cohen added that at future events, this organization would be expected to pay and additional discounts would not be necessary.

Councilmember Truex felt this organization had a proven track record, but was also concerned with the costs that the Town would incur. He also felt the tournament organizers

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would have to address crowd control issues; however, he also felt this event would benefit the Town.

Councilmember Starkey suggested that hotels housing the participants should support the event by contributing to costs. She asked that the organizers provide a bond to safeguard against any potential damage to the fields by the games and rain damage.

Vice-Mayor Clark asked how long the event would last and who would reap the benefits from the concession stands. Mr. Wett indicated that the tournament would last three days and the concession proceeds would remain with the Town.

Councilmember Paul asked that the organizers promise to budget for all costs if they planned to have the event in Davie next year. Ms. Weiner and Mr. Wett agreed.

Councilmember Starkey made a motion, seconded by Councilmember Truex, to approve subject to crowd control measures and paying \$3,000 toward the costs. In a voice vote, all voted in favor. (Motion carried 5-0)

**4.2. Broward County Property Appraiser's Office - Rocky Rodriguez**

Mr. Rodriguez spoke of the Homestead application dates and meetings that would be held at various Town locations: Davie Police Department (September 17th); Davie Town Hall (October 23rd and November 7th). He asked that interested residents contact the Property Appraiser's Office for further information. Mr. Rodriguez thanked Council for their continued support.

Mayor Venis advised that item 8.4 needed to be moved from the Consent Agenda to the Public Hearing section as Item 9.4(A).

Councilmember Paul 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**

Comments were provided later in the meeting.

**6. TOWN ADMINISTRATOR'S COMMENTS**

No comments were provided.

**7. TOWN ATTORNEY'S COMMENTS**

Comments were provided later in the meeting.

**8. CONSENT AGENDA**

*Home Occupational License*

8.1. Annie's Auto Sales and Finance Corp., 5555 SW 61 Avenue (tabled from August 21, 2002)

*Parade Permit/5 K Run*

8.2. Cystic Fibrosis - Gold Coast Guild (January 18, 2003)

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*Resolutions*

- R-2002-200 8.3. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR GRANT FUNDING UNDER THE EMS COUNTY GRANT PROGRAM AND TO ACCEPT AND EXPEND THE GRANT IF AWARDED. (\$3,595 unbudgeted)
- R-2002-201 8.4. **FIRE RESCUE SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; AMENDING THE PRELIMINARY RATE RESOLUTION REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2002; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.
- R-2002-202 8.5. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY RESOLUTION #2001-276 THROUGH GSA FEDERAL SUPPLY CONTRACT GS-07 – 8722-d FOR A REELMASTER 3100D. (\$18,573.28)
- R-2002-203 8.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR EXTERIOR REMODELING OF FIRE STATION NO. 38. (\$61,161 - Trintec Construction)
- R-2002-204 8.7. **BUDGET STRATEGIES AND HOUSING DELIVERY GOALS** - A RESOLUTION OF THE TOWN OF DAVIE, AMENDING AND RESTATING DAVIE'S BUDGET STRATEGIES AND HOUSING DELIVERY GOALS UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM ADMINISTERED UNDER THE BROWARD COUNTY LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR 2002-2004; REVISING THE AVERAGE AND MAXIMUM COSTS FOR EACH PROGRAM STRATEGY; AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2002-205 8.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO RENEW AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE BROWARD COUNTY HOUSING AUTHORITY WAIVING PAYMENT IN LIEU OF TAXES (PILOT) IN EXCHANGE FOR SERVICES AND DONATIONS; AND PROVIDING AN EFFECTIVE DATE.

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- 8.9. **LAND PRESERVATION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2002-206 FLORIDA, REQUESTING THAT THE BROWARD COUNTY COMMISSION  
ADD THE PROPERTY KNOWN AS VAN KIRK GROVES TO THE LAND  
PRESERVATION INVENTORY OF CONSERVATION AREAS AND GREEN  
SPACES FOR FUTURE CONSIDERATION BY THE LAND PRESERVATION  
ADVISORY BOARD AND THE BROWARD COUNTY COMMISSION.
- 8.10. **ARCHITECTURAL SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2002-207 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH  
ACAI ASSOCIATES, INCORPORATED FOR ARCHITECTURAL SERVICES.

*Site Plans*

- 8.11. SP 6-6-02, Griffin Plaza, 8200-8270 Griffin Road (B2) *Site Plan Committee recommended approval based on the planning report and adding that three additional Christmas Palms be installed to line each side of each entranceway [12 total]; change the dumpster to a 12 foot inside width; and provide a letter from Waste Management that they approve of the dumpster locations*
- 8.12. SP 7-4-02, BrandsMart USA Clearance Center, 4815 South State Road 7 (Griffin Road Corridor) *Site Plan Committee recommended approval subject to relocating the new wall in front of the BrandsMart store as shown on the drawings, to a new location to the backside of the existing columns and that the base of this wall would consist of approximately three courts of "split-face" concrete block; that a new color for the upper stucco portion would be submitted to staff for their review and comment; and that two of the colors selected were to be blue and yellow taken from the metal samples provided and known as P-1 and P-2*

*Site Plan Modification*

- 8.13. SP 2-3-02, Parkway Christian Church - Davie Plat, 1200 South Flamingo Road (CF) *Site Plan Committee recommended approval subject to meeting the Fire Department's and Engineering Department's requirements on the turning radius in the proposed parking lot*

*Master Site Plan*

- 8.14. MSP 2-2-02, Pem Mar Seventh Day Adventist Church, 3375 NW 74 Avenue (CF) *Site Plan Committee recommended approval based on staff's report; that banding and/or other architectural details be added to the multi-purpose building; and that the dumpster entrance be 12-foot wide with two 6-foot gates*

*Temporary Use Permit*

- 8.15. TU 7-2-02, G.L. Homes of Davie Associates IV, Ltd., 15259 SW 41 Street  
Councilmember Paul asked that items 8.2, 8.11, and 8.13 be removed from the Consent Agenda. Councilmember Truex asked that item 8.1 be removed.

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Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve the Consent Agenda without items 8.1, 8.2, 8.11, and 8.13. In a voice vote, all voted in favor. (Motion carried 5-0)

8.1 Councilmember Truex wanted assurances that there would not be a lot of customers coming in and out of the business. Development Services Director Mark Kutney explained that this was technically a home office, but the requirements included no traffic and no comings and goings of employees.

John Campbell, 4740 SW 61 Avenue, stated there were many cars on the property in question and he felt that this was more than just an office.

Mr. Kutney spoke of the history of this item and felt that the owner and Code Compliance Supervisor Daniel Stallone were in agreement that there would be no problem. Mr. Kutney stated that the applicant clearly understood what was expected of him as set forth by the Special Master. He stated that the final offer issued was that the applicant would stay in compliance with the Town's Code.

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

8.2 Councilmember Paul advised there was an error and the organization would be paying a fee. She also indicated that the time of the event was 7:00 a.m. until 8:30 a.m., rather than 8:30 p.m.

Councilmember Paul made a motion, seconded by Councilmember Truex, to approve based on the correction that there was no waiver and they would be paying the fee. In a voice vote, all voted in favor. (Motion carried 5-0)

8.11 Councilmember Paul indicated that there was a serious drainage issue at this site and wanted staff to be sure that Central Broward Water Drainage District paid close attention to this. She was also concerned with the driveways near Cactus Ranch and Pegasus Ranch on Griffin Road.

Councilmember Paul stated that Florida Department of Transportation (FDOT) did not properly grade the driveway, as there was a drop-off, which could be hazardous to drivers. She stated that the condition was similar at the site in question and asked if this was the responsibility of FDOT or of the Site Plan Committee. Michael Goldberg, representing the petitioner, indicated that FDOT had been working on this since 1996 and he felt that the drop-off was the responsibility of FDOT. Councilmember Paul asked Goldberg to pursue this issue as the Town was in support of repairing it.

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

8.13 Councilmember Paul spoke of a letter from the petitioner that only addressed the landscaping around the lake and advised that she was also concerned with the "plainness" of the building.

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Arnold Ramos, representing the petitioner, stated that a 4-foot hedge was being installed and 14-foot Cypress trees would be planted. He displayed the artist's rendering of what the site would look like and indicated that the residents were shown what the site would look like and there were no objections. Mr. Ramos also spoke of the possibility of building an amphitheatre on the site.

Jeff Evan, also representing the petitioner, spoke of the proposed banding and the aesthetic elements of the design, which would help break up the "plain" look of the building.

Councilmember Starkey asked that the applicant come back before Council if an amphitheatre was proposed to be built. Councilmember Truex liked the project and felt that no one would object to the project.

Councilmember Starkey disclosed that she had met with staff, architects, and residents and all were pleased with the amount of landscaping that was going to be included on this site.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve based on the addition of the additional features above the doorways and that the applicant comes before Council if they proposed to build an amphitheatre. In a voice vote, all voted in favor. (Motion carried 5-0)

**9. PUBLIC HEARINGS**

*Ordinances - Second and Final Reading*

9.1. **COST RECOVERY - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**  
2002-28 **CREATING CHAPTER 18, ENTITLED COST RECOVERY, PROVIDING FOR COST RECOVERY TO REIMBURSE THE TOWN OF DAVIE FOR THE DIRECT COST INCURRED BY THE PROCESSING FOR APPLICATIONS FOR DEVELOPMENT PERMITS; CONTAINING PROVISIONS FOR COST RECOVERY METHODS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING EXEMPTIONS; PROVIDING FOR PROCESSING AND REVIEW PROCEDURES; PROVIDING FOR DISPUTE RESOLUTION; PROVIDING FOR ACCOUNTING; PROVIDING FOR MONITORING AND EVALUATION; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE.**

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.

Mr. Kutney indicated that number 9 was added as an exempted entity as per a resolution developed in the 1980's. He stated that religious institutions would not fall under Cost Recovery, but they would have to pay the initial filing fee. Mayor Venis asked if religious institutions had paid filing fees prior to this ordinance. Mr. Kutney responded negatively. Mayor Venis felt that this exemption should not be eliminated. Council directed Mr. Kutney to remove number 9.

Councilmember Starkey made a motion, seconded by Vice-Mayor Clark, to approve and omit "Religious Institutions" under Section 18.5, subparagraph B, number 9. 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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- 9.2. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER NINE OF THE TOWN OF DAVIE CODE OF ORDINANCES ENTITLED GARBAGE AND REFUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.**  
2002-29

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)

- 9.3. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, BY AMENDING SECTION 12-33(O)(10) TO ADD SUBSECTION CONCERNING LONG LAKES ESTATES AS CONCERNS FENCES FOR PROPERTIES CONTIGUOUS TO CANALS OR CONTIGUOUS TO THE BRIDLE PATH; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**  
2002-30

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 providing that Section 1, paragraph A be stricken where it said, "which is considered open space." 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 September 18, 2002)*

- 9.4. **BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 2003.**

Mayor Venis advised that this was the first reading of the ordinance and the second and final reading would be heard at the September 18, 2002 Council meeting. He stated that the Town's proposed tentative operating millage rate for the fiscal year 2002-2003 was 5.1086 mills, which was an 8.76% increase over the rollback rate of 4.6073. Mayor Venis added that the proposed tentative voted debt service millage for the fiscal year 2002-2003 was .6356 mills.

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;

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Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - no. (Motion carried 4-1)

9.4(A) (Consent Agenda item 8.4)

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting.

Mayor Venis opened public hearing.

Cindy Osbourne, 4420 SW 64 Avenue, spoke in opposition to the proposed assessment. She stated that the amount had increased and adversely affected the business community and suggested that the residents pay for these services, as well. Ms. Osbourne also questioned the need for an increase because the Town supposedly was going to be able to purchase all the supplies they needed to run EMS within the first three years of its taking over the service. She stated that EMS charged for their services and wondered why taxpayers had to pay as well.

Mayor Venis closed public hearing.

Councilmember Paul questioned how the rates were established and added that she was under the impression that the smaller businesses would not be adversely affected. Mr. Cohen spoke of the ratio of businesses to residents and how rates were decided. Councilmember Paul felt that the Town should revisit the formula in the future. Mr. Cohen advised that the formula was designed by the State, but there were modifications the Town could make for next year.

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. **QUIT CLAIM DEED - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A QUIT CLAIM DEED FROM THE BROWARD COUNTY COMMISSION, CONVEYING CERTAIN PROPERTIES WHICH WERE ACQUIRED BY VIRTUE OF THE PROPERTIES BEING DELINQUENT TAX LANDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Venis advised that this was the first reading and the second and final reading would be heard at the September 18, 2002 Council meeting.

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 Starkey, 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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- 9.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-1-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-3, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Pillar Consultants, Inc./Cable, 6020 Griffin Road) Planning and Zoning Board recommended denial

Town Clerk Muniz read the ordinance by title. Mayor Venis swore in the witnesses.

Planning and Zoning Manager Fernando Leiva summarized the planning report.

Councilmember Truex asked why the Planning and Zoning Board was opposed to this rezoning. Mr. Leiva stated that the residents in the surrounding area were opposed mainly to the density and indicated that they preferred R-2 zoning to R-3 zoning.

Jay Evans, representing the petitioner, outlined the staff report and the reasons why the request was made. He stated that the surrounding land use designation was R-3.

Councilmember Starkey disclosed that she had received a letter from residents, which she turned in for the record, and an e-mail regarding this issue. Mayor Venis disclosed that he also had received the letter and numerous e-mails regarding this issue. Vice-Mayor Clark disclosed that she also received an e-mail. Councilmember Truex disclosed that he received the letter and a telephone call regarding this issue. He added that he knew the owner. Councilmember Paul disclosed that she spoke to JD Knobloch several times about this issue.

Mayor Venis opened the public hearing.

Barbara Del Nero, 4240 SW 74 Avenue, was opposed to this request. She stated that she and the residents in her community would like to see this parcel zoned R-1 rather than R-3. Ms. Del Nero submitted a petition from residents and concerned citizens who opposed this project. She disclosed that not all signatures were from residents of Davie, but from people who were involved with her ranch.

Sherrie Campbell, 4740 SW 61 Avenue, opposed this rezoning and added that she felt that the traffic impact would negatively affect the community. She also felt that the wildlife on the property would be negatively impacted.

John Campbell, 4740 SW 61 Avenue, felt that R-1 or A-1 would be a more appropriate zoning for this site because of the traffic and surrounding low-lying areas. He corrected Mr. Evans stating that the surrounding properties were one house per acre.

Linda Baco, 3995 SW 56 Avenue, spoke in opposition of this project due to the drainage concerns in the area. She also felt the increased traffic would cause safety problems for children.

James Knobloch 5186 SW 90 Ave, Cooper City, felt that the equestrian community was being forced out.

Matthew Murphy, 4800 SW 59 Terrace, spoke in opposition to this project especially because of the drainage issues. He indicated that Planner Chris Gratz had mentioned this was being done as a "favor" to the owner. Mr. Murphy also spoke about the odd shape of the lot.

Patrice Hannaman, 4760 SW 61 Avenue, was opposed to the request although she felt that staff's efforts were exemplary. She would prefer to see this site zoned R-1.

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Eric Swalley, 4680 SW 61 Avenue, indicated that the jump from A-1 to R-3 was too intense and felt that there was a misrepresentation made that there was an R-3 zoning on the west side of the property. He indicated that he owned the property on the west side and it was zoned R-1. Mr. Swalley was also concerned that the equestrian community was being overlooked.

Elyse Swalley, 4680 SW 61 Avenue, spoke in opposition to this project and stated that it would adversely affect traffic conditions.

Mr. Evans indicated that R-3 did not allow multi-family dwellings, only detached single-family dwellings and added that the proposed residences would not push out the equestrian community. He stated that the addition of a maximum of 10 homes would not negatively impact the traffic in the area and felt that the project would help alleviate the drainage issue, as it would be designed to retain and handle its own water.

Councilmember Truex asked if Mr. Evans had spoken with the community. Mr. Evans indicated that he had only spoken to the residents at the Planning and Zoning Board meeting.

Mayor Venis closed the public hearing.

Vice-Mayor Clark felt that it was pertinent that Council helped preserve District 1.

Mayor Venis spoke of the ongoing issues in this area and did not feel that this would set a precedent as each property stood on its own merits when rezonings were considered. He indicated that he would not be in favor of this rezoning.

Councilmember Paul felt that this project would adversely affect this neighborhood. She indicated that she would not support this project.

Vice-Mayor Clark stated that the Town was not responsible for drainage problems, as the widening of Griffin Road was a FDOT project. After some discussion, Council advised Mr. Willi to speak with FDOT regarding drainage problems they needed to resolve.

Councilmember Truex felt this item should be tabled so that the applicant and the residents could meet to further discuss this project.

Councilmember Starkey felt there were traffic concerns and incompatible uses and she did not think she would be in favor. She felt that re-examining the long range Comprehensive Plan could address this issue.

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

*Sale of Property*

- 9.7. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID OF \$535,000 FOR THE FORMER YOUNG AT ART MUSEUM SITE. (Southeast corner of State Road 84 and Scarborough Drive) (tabled from August 7, 2002)

Town Clerk Muniz read the resolution by title.

Mr. Cohen explained the original plan for this site. He advised that the Young Art Museum had found a larger site; therefore, staff felt the land should be sold. He stated that the property was rezoned to CF and it should be put back to the original zoning, which was B-2. Mr. Cohen stated that it would be approximately three months before the Town had clear title.

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Mayor Venis felt the Town needed to be very careful in regard to notifying the surrounding residents if the property was rezoned. Mr. Cohen assured Council that complete disclosure would take place prior to any rezoning.

Councilmember Paul voiced her approval of the bid and felt that the site would be beneficial as it was along a major highway.

Councilmember Starkey wanted to assure Broward County Commissioner Lori Parrish that all necessary advertisements for the bid were published. She also asked if the bid process could be postponed until the Town had clear title. Mr. Connick indicated that if the bid was accepted it would be subject to receiving an acceptable contract.

Councilmember Truex felt the bid process in this case was terrible and indicated that a more aggressive promotion for the sale of the property should have been undertaken. He felt that the Town should market this differently and should deny the bid currently submitted. Mr. Truex indicated that the Town not having a clear title might have been a deterrent to prospective buyers. He was concerned that the property was not properly appraised.

Councilmember Paul asked if an appraisal was necessary. Mr. Cohen explained that staff was under the impression that Council wanted to sell the property as quickly as possible, with as little expense as possible. He stated that the appraisal from the adjacent property was used to estimate the value per acre of the property in question. Mr. Cohen added that since it was donated property, staff felt the process should be expedited. He explained that the appraisal was irrelevant because the Town would either accept the highest bid, which could be less than the appraised value, or not sell it and be financially responsible for it until a higher offer was made. Mr. Cohen stated that if Council wanted, an appraisal could be obtained; however, he felt it was unlikely that the appraisal would be higher than the bid at hand.

Councilmember Starkey stated that the Town was not in a position to market the property since the Town did not have clear title. She added that the contract included language regarding clear title and she was concerned that there could be legal conflicts because of this.

Neil Kalis, representing the bidder, explained that the Town had the title in the form of a warranty deed that was recorded. He stated that the title problem was very technical and explained how it could be resolved.

Mayor Venis asked if Council wanted to wait until the title was cleared. Councilmember Truex reiterated that staff should be more aggressive in marketing the property. Mr. Cohen stated that staff could look into alternatives, get an appraisal, and look into having additional exposure. After some discussion, Council directed Mr. Cohen to come back at the next meeting with alternatives and a report on where he was with the appraisal process. Mr. Cohen indicated that staff might need more time than two weeks, especially for the appraisal. He stated he would give a report on the progress. Mr. Connick stated that the title issue should not deter Council and it could be dealt with in the contract language.

Pat Montalbano, representing Sam Jazaryi, indicated that her client thought they were the high bid and after August 15th, they assumed they had the property. She had concerns about the bid process being an open bid rather than a closed bid. Ms. Montalbano explained the use was going to be a one-story condominium/office in B-2 zoning. Mr. Willi clarified that the property was advertised "for sale" and there was no bid process connected to it.

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

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**10. APPOINTMENTS**

10.1. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember 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 Truex deferred his appointment.

10.2. 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.

10.3. National League of Cities - Annual Congress of Cities (non-exclusive appointment of a Voting Delegate and a Voting Alternate(s))

Mayor Venis and Councilmember Truex felt that Councilmember Starkey should be nominated. In a voice vote, all voted in favor. (Motion carried 5-0)

**11. OLD BUSINESS**

11.1. SE 3-1-99, Cassidy/FMC Telecommunications, Inc., 6045 SW 45 Street (B-2)

Neil Kalis, representing the petitioner, explained the nature of the request and asked for an extension of the special permit granted three years ago. Councilmember Truex asked how much of an extension was being requested. Mr. Kalis indicated 18 months.

Councilmember Truex made a motion, seconded by Councilmember Paul, to extend the special permit for 18 months. In a voice vote, all voted in favor. (Motion carried 5-0)

11.2. Final Construction Improvements for Imagination Farms East

Mr. Willi indicated that the representative of Imagination Farms was not present.

Brenda DiIoia Prager, representing the Imagination Farms Homeowners Association, discussed problems that existed on the site and the outstanding final improvements. There was concern that once the developer completed the final two homes on the site, it would be very difficult to get the developer to complete the promised improvements, as they would no longer be on site.

Carlos Lopez, also representing the Imagination Farms Homeowners Association, voiced his concerns about the liens the Town had placed on the developers.

Mr. Willi explained that staff was in a difficult position as they did not want to hurt the homeowners, but they had to follow Council direction and be very strict with the expectations put on the developer. Ms. DiIoia Prager offered assistance in expediting this issue.

Mayor Venis advised that he would contact Dennis Mele regarding this issue.

Councilmember Paul reaffirmed staff's position on this issue and the developer needed to be held to the contract.

Michael Leeds, 13650 SW 40 Street, stated that his sidewalk was one and one-half inches below the lowest point of the street and he had flooding problems because of this. He submitted

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photos for Council's review, which showed how the developer repaired the problem, but left the street in disrepair. Mr. Leeds stated that if the Town did not get the developer to repair the street and the sidewalk, then he would request that the Town make the repairs at the taxpayer's expense.

Council requested that this item be placed on the September 18th agenda.

**12. NEW BUSINESS**

**12.1. Open Space Land Acquisition Program and Properties Submitted for Consideration**

Councilmember Starkey indicated that she had asked for this to be added to the agenda as a result of her meeting with Commissioner Parrish. She stated that several lands were submitted to the Land Acquisition Inventory and referred to a letter from Mr. Willi to Commissioner Parrish, which indicated three other sites that should be considered, but the 115-acre parcel was not included. Councilmember Starkey felt that the Town should prioritize the 115-acre site and the three aforementioned sites and send this information to Commissioner Parrish, who indicated that additional funds were available.

Mr. Willi indicated that the County was fully aware of the 115-acre parcel. He felt that even though Council might rank the additional parcels, the County made the final decision as to what parcels would be purchased. Mr. Willi indicated that Commissioner Parrish had approximately \$850,000 to use at her discretion for land acquisition; however, there were no confirmations for sales of the properties in question. He stated that it would be better to let the County know of all the possibilities so as to avoid being eliminated from the process entirely.

Councilmember Truex asked if Commissioner John Rodstrom had any jurisdiction over Davie after the redistricting. Councilmember Starkey indicated that he did, but he had committed his funding to the City of Fort Lauderdale. Councilmember Truex asked if there was any way the open spaces on the east side of Town could be funded.

Mayor Venis felt that the Town should prioritize the lands at the next executive session. Council discussed priorities of the lands in question.

Councilmember Paul felt that Council should rank the properties as follows: 1) the 115-acre parcel; 2) Math Iglar Groves; 3) the Shotgun Road site; and 4) SW 139 Avenue. She stated that Council should address other properties to be considered for the upcoming application period. Mr. Willi asked that Council give input for properties in their district for the upcoming application.

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

**12.2. Consideration of Location for New Courthouse**

Councilmember Starkey mentioned that she was aware that the federal courthouse was seeking to relocate and she felt that properties near Nova Southeastern University or on State Road 84 would be good locations. She indicated that she had sent a letter asking that the Town be kept in mind as a location. Councilmember Starkey felt that being located on State Road 84 would trigger downtown redevelopment. She stated that the property she was referring to on State Road 84 was the Forman property east of Davie Road.

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Councilmember Paul voiced her displeasure with Councilmember Starkey sending the letter as it gave the impression that Council was in favor of the recommendation. She asked that in the future, Councilmembers discuss such issues with Council prior to sending letters of interest. Councilmember Starkey felt it was her job to pursue opportunities that would enhance the Town. She stated that other Councilmembers and Mr. Willi had done the same thing in the past. Councilmember Paul and Mayor Venis reiterated that the letter clearly gave the impression that this was an issue that Council had discussed. Councilmember Paul asked that wording of letters be non-committal on behalf of Council unless Council had agreed to take action on any issue.

Councilmember Truex agreed with Councilmember Paul and felt that a federal courthouse would put pressure to urbanize the surrounding area.

With no Councilmembers voting to pursue this issue, Councilmember Starkey stated she would send a letter of withdrawal.

**TOWN ATTORNEY COMMENTS**

**SPECIAL EXECUTIVE SESSION.** Mr. Connick announced that a Special Executive Session regarding the Covenant House litigation would be held on September 12th. He advised that those in attendance would be Council, special counsel Mr. Burke, and either Mr. Kiar or himself. Mr. Connick added that the meeting should last approximately one hour.

**COUNCILMEMBER TRUEX**

**GAS POWERED VEHICLES ON DAVIE WATERWAYS.** Councilmember Truex asked that a public hearing be scheduled regarding this issue. Mr. Willi stated that this issue could be added under Old Business on a future agenda.

**PARK CITY SIGN.** Councilmember Truex asked if this issue was resolved. Mr. Willi reported that it was still outstanding, but staff was working on it.

**COUNCILMEMBER PAUL**

**HAPPY NEW YEAR.** Councilmember Paul wished the Town's Jewish residents a Happy New Year.

**ELECTIONS.** Councilmember Paul reminded residents to vote on September 10th and to check their new voting cards for precinct changes.

**HURRICANE GUIDE.** Councilmember Paul presented a brochure created by the Agricultural Advisory Board called "Hurricanes and Horses." The guide provided emergency information for equestrian residents.

**AT&T BROADBAND.** Councilmember Paul spoke of problems AT&T Broadband and asked residents to contact Susan Dean with their concerns so that the Town could document and track this issue.

**BROWARD BEAUTIFUL GRANT.** Councilmember Paul congratulated the Old Davie School for receiving a \$10,000 Broward Beautiful Grant for their memorial garden.

**CHILDREN'S FINGERPRINTING.** Councilmember Paul reported that the Police Department would be fingerprinting on September 24th at the Ivanhoe Community Center. She stated that this service was provided at all special events throughout the Town.

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**DAVIE ELEMENTARY SCHOOL.** Councilmember Paul reported that the groundbreaking had occurred and the project was underway.

**SEPTEMBER 11TH.** Councilmember Paul reported that Broward County schools would be reciting the Pledge of Allegiance simultaneously on September 11th and she encouraged everyone to take a moment of silence in remembrance of the victims.

**VICE-MAYOR CLARK**

**TRAFFIC REPORT FOR SW 58 AVENUE.** Vice-Mayor Clark referred to the report prepared by the Police Department and asked if Council was going to consider the suggestions made. Mr. Willi advised that the Engineering Department was going to review the report and then present it to Council.

**A-1 PRIDE.** Vice-Mayor Clark referred to A-1 Pride and Imagination Farms and the amount of time it was taking the Town to resolve these issues. She asked Mr. Willi for help in controlling long cases such as A-1 Pride. Vice-Mayor Clark felt that staff should be aggressive in following up on Council directives and they should do whatever needed to be done to resolve these issues. Mr. Kutney reported that Mr. Stallone was taking this case back to the Special Master on September 24th.

**MAYOR VENIS**

**BACK TO SCHOOL.** Mayor Venis wished all students a good school year.

**ST. BERNADETTE'S CHURCH TRAFFIC SIGNAL.** Mayor Venis stated that he had drafted a letter requesting a traffic signal at this site. He was hopeful that the light would be installed in the near future.

**DAVIE ELEMENTARY SHELTER.** Mayor Venis reported that the groundbreaking was a success, highly supported by the community, and the shelter would be completed within three months. Mayor Venis advised that he had received a call from GSE Development who wanted to donate oak trees to the site.

**NOVA DRIVE.** Mayor Venis thanked the Police Department for all their hard work on resolving the issues on Nova Drive.

**SUMMER LAKE TRAFFIC ISSUES.** Mayor Venis stated he had completed a complaint form regarding the semi-truck traffic in Summer Lake. He requested that this be added to the September 18th agenda.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 11:06 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk

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