

**TOWN OF DAVIE
REGULAR MEETING
OCTOBER 16, 2002**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

Mayor Venis advised that Councilmember Paul would not attend, but would participate via telephone. Councilmember Truex voiced his objections to this process and stated that in the past if a Councilmember had an emergency, he or she was absent.

Councilmember Starkey inquired if the Town's Charter prohibited this. Town Attorney Kiar indicated that there was nothing in the Charter which prohibited this and the telephone method was supported by an Attorney General opinion.

Councilmember Truex was concerned that Councilmember Paul would not be able to see exhibits. Vice-Mayor Clark felt that Councilmember Paul had worked very hard on many of the items on the agenda and had the right to participate.

Mayor Venis asked Mr. Kiar to confirm that Councilmember Paul was legally allowed to participate via telephone. Mr. Kiar stated that his research indicated that Councilmember Paul could participate via telephone.

Councilmember Paul explained why she was not able to be present.

3. PRESENTATIONS

3.1. Memorial Healthcare Systems and Driftwood Neighborhood Self-Sufficiency Program

Shirley Taylor-Prakelt, Housing and Community Development Director, recognized members of Memorial Hospital, South Broward Hospital District, and the Driftwood Neighborhood Self-Sufficiency Program. She thanked Councilmember Truex for his support of this program.

3.2. Community Redevelopment Agency

Wayne Arnold, Chair, reported on the proposed site for the Fire-Rescue Station. He discussed the infrastructure improvements that would be done in the eastside community and spoke of homes to be built that would be affordable for low-income families in this area. Mr. Arnold reported on other projects the Agency was working on and thanked Council for their support and contributions they had made to improve downtown Davie and the eastside community.

3.3. Upcoming Special Events - Dennis Andresky and Bonnie Stafiej

Dennis Andresky, Parks and Recreation Director advised of the upcoming special events: in-house soccer registration (deadline - October 25); NFL Flag Program at Pine Island Park (October 26th); and International Fall Food Festival at Robbins Lodge (October 25th).

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Bonnie Stafiej, Special Projects Director, advised of the upcoming special events: John Anderson Concert (October 19th); Five Star Rodeo (October 26th); Halloween Safe Trick-or-Treat Day (October 27th); Junior Orange Bowl Preliminary Queen Contest (October 26th); Davie Police Athletic League Multi-Purpose grand opening (November 3rd); and Country Craft Show (November 16th-17th).

Mayor Venis announced that item 7.9 had been requested to be tabled until November 6, 2002.

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

Mayor Venis announced that item 8.7 had been requested to be tabled until December 18, 2002.

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

Mayor Venis asked Mr. Willi to schedule a workshop for all the towing companies that had participated in the bidding process connected with item 8.7.

Mayor Venis congratulated Miami Herald reporter Geri Berrios for winning the "Farm Bureau's Reporter of the Year" award.

Mayor Venis wished Police Chief John George a happy birthday and presented him with a cake.

Mayor Venis stated that the Mayor/Councilmember Comments would be taken later in the meeting.

Councilmember Paul made a motion, seconded by Councilmember Truex, to reconsider item 9.4 from the October 2, 2002 meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Councilmember Truex, to place this item be placed on the next Council meeting [November 6, 2002]. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that the Public Hearing portion of the meeting would be taken at this time.

8.1 Clerk Muniz read the ordinance by title.

Planner Marcie Nolan referred to Council's direction to staff to clarify language in the ordinance. She reviewed the clarifications which referred to buffers abutting the scenic corridor, landscaping requirements, wall and column requirements, setbacks, curved roads, the exclusion of cul-de-sacs, public road rights-of-way, vegetation preservation and requirements, lawn requirements, open space in relation to trails.

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Councilmember Starkey asked about the landscaping plan and language indicating that trees could not be planted under power lines. Ms. Nolan indicated that this was also included in the revisions.

Councilmember Paul referred to the trails and asked how the modification would affect the open space buffer. Ms. Nolan explained that this applied to trails along perimeters of private property where trails were 10 feet wide. She stated that this would allow the Town to have more of a greenway and would connect with the open space areas.

Vice-Mayor Clark referred to concerns brought up at the October 2nd meeting regarding the 100 foot buffer setback along the proposed Flamingo Road project. She indicated that the property owner would lose approximately six acres if they had to comply with the 100 foot setback. Ms. Nolan clarified that the parcel in question would only have to have a 50 foot setback/landscape buffer because there was already a 50 feet requirement in place and included the 39 foot frontage road.

Councilmember Starkey indicated that she objected to the scenic corridor concept and identified several properties along Flamingo Road that would not allow this concept to work well. She felt that there should not be a 50 foot setback requirement on Peaceful Ridge Road because it was a narrow road and the setback would compromise the integrity of the neighborhood. Councilmember Starkey liked the idea of scenic corridors, but did not feel they would address open space concerns as proposed. Development Services Director Mark Kutney indicated that whenever a new amendment was brought forth, there would always be conflicts with existing parcels. Ms. Nolan clarified that existing structures would not have to be moved. She advised that Council's objective was to change future development so that it aligned with the residents' mandate to preserve open space and maintain the rural and equestrian lifestyle in the Town. Councilmember Paul reiterated that the concept of the scenic corridors was to preserve what was left. She clarified that there would be native landscaping in the setbacks. Councilmember Truex also had reservations about scenic corridors and the ordinance.

Bill Laystrom, representing Southern Homes III and VI, indicated that he had concerns regarding A-1 parcels with lot widths and side-yard setbacks. He proposed reducing the side-yards by ten feet and compensating by increasing the front yard setbacks. Ms. Nolan indicated that if this concession was made it should also apply to AG and R-1.

Councilmember Paul thought the original purpose for the increased front yards was to give more of a neighborhood feel. She asked Ms. Nolan if the decrease would negatively impact the intended affect. Ms. Nolan stated that there would still be the "staggered feel," adding that a front porch could encroach on the front setback. She agreed that larger setbacks would create a more rural feel.

Councilmember Truex asked Mr. Laystrom if these two concessions would satisfy his client and end the litigation. Mr. Laystrom could not promise this, but indicated that his clients would be able to move forward with their site plans if these concessions were made. He believed his clients would be satisfied.

Robert Legg, representing Sheridan House, addressed the problems that the 100 foot setback requirements along the scenic corridor would provide. He stated that 10 percent of his client's property would be affected and asked that the Sheridan House project be exempt from this requirement.

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Councilmember Paul asked if Sheridan House could apply for a variance. Mr. Kutney indicated that any property owner in the scenic corridor could apply for a variance as long as they could present a bona fide hardship that was not self-created. Councilmember Truex felt that a variance would be a difficult avenue for this project, as the project would have to reach a certain point before the variance issue could be addressed. He indicated that there was the possibility that it could be denied, which would be detrimental to the project.

Councilmember Paul remembered that there was a great deal of open space included in the site plan for this project. She felt Council needed to be consistent because if they exempted one project it would set precedence for other projects. Mr. Legg explained that all the open space in the project was going to be used for recreational areas.

Mayor Venis agreed with Councilmember Truex and felt the petitioner was seeking some kind of assurances because by the time the variance was needed, a different Council might be in place and the variance could be denied. Councilmember Starkey asked if the petitioner could be requested to sign a developer's agreement with the Town that would exempt this project from the 100 foot setback requirement. Ms. Nolan clarified that the required buffer would only be 50 feet as the current road and right-of-way equaled 50 feet.

Mr. Legg indicated that this would still present a problem and they would have to take new plans back to several agencies for various approvals. Mr. Kutney questioned why this problem was first coming to Council at second reading and was not addressed earlier. Mr. Legg indicated that he did not know about the 100 foot requirement until the first reading.

Town special counsel Andrew Maurodis opined that one specific area should not be "carved out." He recommended that a special waiver requirement be used for circumstances where there were regulatory obligations from other governmental bodies, such as wetland mitigation requirements. Mayor Venis asked if the waiver requirement would be an administrative function or a Council function. Mr. Maurodis indicated that it should be a Council function. Council directed Mr. Maurodis to create the waiver during this meeting so that it could be included in the ordinance when it came to a vote.

Marco Polio, SW 70 Avenue, felt it was important for Council to control density because the development community was looking to develop properties quickly. He felt that this ordinance was "red tape" that did not control density.

Barbara Hall, representing Camelot Estates formerly P&J Estates, indicated that this new ordinance would result in the owners losing two lots. She entered into the record an e-mail sent to all Councilmembers earlier in the day and felt that additional incentives should be offered for small projects, such as those under 25 acres.

Walter Carson, representing the Builders Association, felt that there had to be a "rational nexus" for what was being asked for and he was concerned with the scenic corridor concept. He cautioned that this ordinance might be crossing the line when it asked for public use of private property and action could be taken.

Dick McCall, representing the McCall family who owned several properties on SW 58 Avenue, felt that it did not make sense to include SW 58 Avenue as part of the scenic corridor because 75% of the property was already developed and most of the houses were within 30 feet of the road. He felt the 100 foot setback would create a "hodgepodge" effect. Ms. Nolan indicated that SW 58 Avenue was included in the original list because of the amount of vacant land.

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Councilmember Truex agreed with Mr. McCall and felt that SW 58 Avenue should be removed from the scenic corridor list. Mr. Maurodis stated that the special waiver might address these concerns and read the proposed language: "Town Council may grant relief from the provisions of this section 12-282. Upon a showing by a property owner that: A) The regulations imposed on the property by another governmental agency would cause there to be a hardship upon the property owner if that property owner is required to fully comply with Section 12-282; or B) such other physical conditions exist on the property which cause compliance with Section 12-282 to be a hardship upon the property owner's ability to develop the property. The Town Council shall grant the minimum relief necessary to remedy the demonstrated hardship."

Councilmember Starkey asked if there would be a problem removing a roadway, such as Peaceful Ridge Road, from the ordinance. Mr. Maurodis indicated that a roadway could be removed, but a new roadway could not be added.

Ms. Nolan reminded that landscape buffers adjacent to scenic corridors counted toward open space and clarified that the purpose of the scenic corridor was to unify the Town. She cautioned Council about tampering with the ordinance as it could alter the vision that staff had with the ordinance.

Julie Aitken, 3801 Flamingo Road, felt that if developers were allowed to alter the ordinance, it would negatively impact the Town. She felt that the developers did not have the same vision as the residents because the developers' motivation was financial.

Councilmember Starkey felt that the Agricultural Advisory Board was allowed to review and give feedback on this ordinance; however, the Open Space Advisory Board had not had that same opportunity and many residents were not informed. She felt that the established developments within the Town had adequately incorporated open space in their designs. Councilmember Starkey felt that the Town should have informed the residents in a more timely way.

Mr. Laystrom referred to Councilmember Truex's question regarding pending litigation and indicated that his client would be prepared to resolve the lawsuit with the reduction of the side yard setback. He suggested that Council approve the ordinance as it stood and he would come back to amend it to address the change in side yard setbacks.

Jason Curtis, 3801 Flamingo Road, felt that adequate public notice was given as numerous workshops had already been held. He stated that this was not an open space issue which was why the Open Space Advisory Board was not involved. Mr. Curtis added that the Agricultural Advisory Board turned this over to staff because they were the experts and it was not a project that could be handled by a community board.

Mayor Venis closed the public hearing.

Councilmember Paul was leery about "watering down" the ordinance and felt that the realtors and developers did not have the best interest of the Town in mind. She stated that she would like the ordinance approved with minimum changes. Councilmember Paul clarified that that the scenic corridors would preserve the environment and felt that Peaceful Ridge Road should not be removed because of this.

Councilmember Truex felt that Mr. Laystrom's suggestion was good and he was comfortable with Mr. Maurodis' draft of the special waiver. He added that the ordinance would give Council the flexibility to approve the Sheridan House project.

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Mayor Venis asked Mr. Maurodis if the special waiver could be added to the ordinance at this meeting. Mr. Maurodis indicated in the affirmative and indicated that Section 12-282 could be amended to include the waiver. He clarified that time was not an issue and Council could apply it at their discretion, as it was not tied to a site plan.

Councilmember Truex asked staff if this waiver would be free of charge. Mr. Kutney indicated in the affirmative.

Vice-Mayor Clark asked if SW 58 Avenue was removed from the list, would developers still have to comply. Ms. Nolan indicated that they would still have to incorporate a 20 foot buffer, but everything else would apply.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve the ordinance with the addition of the language Mr. Maurodis drafted and deleting SW 58 Avenue from the scenic corridor list. 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)

Mayor Venis advised that there would be a two-minute recess as there was no quorum. He reconvened the meeting at 9:14 p.m.

Mayor Venis advised that residents were awaiting certain items to be approved from the Consent Agenda and asked that they be voted on at this time.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve items 7.26, 7.27, 7.28, 7.29, 7.30, and 7.31. In a voice vote, all voted in favor. (Motion carried 5-0)

8.2 Town Clerk Muniz read the ordinance by title. Ms. Nolan outlined issues raised by Council on first reading.

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

Councilmember Truex spoke of issues he raised about the R1-E category and its correlation to this ordinance. He stated that neither the R1-E nor the ordinance in question addressed taxes and how the Town would be affected. Councilmember Truex was concerned that this ordinance would have a detrimental impact on taxes.

Councilmember Truex asked how this ordinance related to item 8.6 and asked why item 8.6 was needed. Ms. Nolan indicated that item 8.6 was regarding the Comprehensive Plan and felt that it was more global.

Councilmember Truex asked if the ordinance in question could be approved without changing the Comprehensive Plan. Ms. Nolan replied affirmatively and explained that the inclusion in the Comprehensive Plan created policy and clarified the goals of the Town. She clarified that staff was recommending the amendment to the Comprehensive Plan in order to be consistent with the regulations that were put in place and to further establish the policies of the Town. Ms. Nolan stated that if there were irrelevant issues in item 8.6, they could be taken out, as this was the first reading.

Mayor Venis spoke of the history of the R1-E category and believed that it was for a specific parcel that was being developed by GL Homes and stated that R1-E was an increase in density. He felt that this ordinance used the same yield plan that would be developed under

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builder's acres plans and clarified that this ordinance allowed Council to make decisions case by case. Mayor Venis opined that this option would ultimately accomplish the preservation of large amounts of open space and would not increase density.

Vice-Mayor Clark felt that discussing R1-E was "muddying the water." She felt that Councilmember Truex should vote on this ordinance based on its merits.

Councilmember Starkey felt that this ordinance did not support open space design, but rather cluster development. She reminded that equine facilities could not be built on lots smaller than one acre and felt that this ordinance would make the Town look like Pembroke Pines and Hialeah, which epitomized cluster development. Councilmember Starkey felt that the only way to truly preserve the Town's open space would be to have larger lot sizes and cluster developments generated less tax revenues than larger home sites. She stated that she had spoken with many residents, including a substantial amount of horse owners, and they were all opposed to this ordinance.

Councilmember Paul stated that she had spoken with many residents who disagreed with Councilmember Starkey regarding this ordinance. She referred to the builder's acre properties and how structures were being built on almost every part of the property. Councilmember Paul felt that this type of development did not and would not support the rural and equestrian lifestyle. She added that staff had done a good job with this overlay and she agreed with Mayor Venis that all projects would come before Council anyway so they could ensure that errors were not made.

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

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

Councilmember Starkey asked if there were any assurances that the tax base would not decrease. Mayor Venis stated that from his experience the tax base had not decreased when other similar issues were addressed. Councilmember Starkey stated that her concerns were the increased densities, the smaller lots, and the decrease in the tax base. She felt that true open space for public use should be bought by the public. Mayor Venis and Vice-Mayor Clark clarified that there was no increase in densities with this ordinance.

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

4. MAYOR/COUNCILMEMBER'S COMMENTS

Councilmembers provided their comments later in the meeting.

5. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

6. TOWN ATTORNEY'S COMMENTS

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Later in the meeting, Mr. Kiar introduced Daniel Stump who was an attorney from his office.

7. CONSENT AGENDA

Minutes

- 7.1. August 1, 2002 - Workshop Meeting
- 7.2. August 7, 2002 - Regular Meeting
- 7.3. August 21, 2002 - Regular Meeting

Proclamations

- 7.4. Domestic Violence Awareness Month (October 2002)
- 7.5. Make A Difference Day (October 26, 2002)

Home Occupational Licenses

- 7.6. All American Landscape, 1110 South Flamingo Road
- 7.7. His Creations, 14880 SW 31 Court
- 7.8. Siravo & Guerrieri, Inc., 1220 Danbury Avenue

Resolutions

- 7.9. **STAFF REQUESTING A TABLING TO NOVEMBER 6, 2002**
AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN FOREST RIDGE MASTER HOMEOWNERS ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL. (tabled from October 2, 2002)

- R-2002-250 7.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN ESTATES OF STIRLING LAKES HOMEOWNERS ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

- R-2002-251 7.11. **MONEY PURCHASE PLAN** - RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE TOWN'S REQUIRED CONTRIBUTION TO THE GENERAL EMPLOYEES PORTION OF THE TOWN OF DAVIE MONEY PURCHASE PLAN; AND PROVIDING AN EFFECTIVE DATE.

- R-2002-252 7.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF THE SPORTS SECTION TO PROVIDE SPORTS PHOTOGRAPHY SERVICES.

- R-2002-253 7.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR OFF-SITE RECORD STORAGE SERVICES. (International Data Depository - \$25,198.77)

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7.14. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2002-254 THE BIDS FOR SUPPLY AND INSTALLATION OF OVERHEAD DOORS AT
FIRE STATION NOS. 38, 68, AND 91. (Best Garage Door and American
Overhead Door - \$49,152)

7.15. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2002-255 THE BIDS AWARDED BY THE STATE OF FLORIDA AND THE FLORIDA
SHERIFF'S ASSOCIATION FOR AUTOMOBILES AND TRUCKS. (\$1,000,000)

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- 7.16. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2002-256 THE BID AWARDED BY THE CITY OF SARASOTA, FLORIDA, Bid #02-09M,
FOR THE PURCHASE OF A GLOBAL POSITIONING SYSTEM UNIT. (\$17,037)
- 7.17. **SPECIAL REVENUE FUND** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2002-257 FLORIDA, ESTABLISHING A SPECIAL REVENUE FUND FOR ACCOUNTING
FOR FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.
- 7.18. **TRANSPORTATION GRANT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2002-258 FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO APPLY
FOR A TRANSPORTATION GRANT FROM BROWARD COUNTY FOR A
THIRD BUS TO SERVE WESTERN DAVIE; AND PROVIDING AN EFFECTIVE
DATE.
- 7.19. **VOLUNTARY ANNEXATION SUPPORT** - A RESOLUTION OF THE TOWN
R-2002-259 OF DAVIE, FLORIDA, SUPPORTING A VOLUNTARY ANNEXATION
PETITION FROM JOSEPH AND ARLENE EBELHAR TO ANNEX PROPERTY
WHOSE LEGAL DESCRIPTION IS DESCRIBED AS FRUITLANDS CO SUB NO 1
2-17 D 31-50-41 TRACT 17 EAST 227 LESS SOUTH 100 AND LESS NORTH 115
(AKA Parcel B; 4851 SW 106 Avenue) LYING AND BEING IN BROWARD
COUNTY, FLORIDA, PLUS ANY INTEREST OF PETITIONER IN ADJACENT
PUBLIC RIGHTS-OF-WAY; SAID ANNEXATION TO TAKE EFFECT UPON
APPROVAL BY THE LEGISLATION.
- 7.20. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-260 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN
THE TOWN OF DAVIE AND BROWARD COUNTY FOR ADMINISTRATION
OF THE TOWN'S CDBG-FUNDED SINGLE-FAMILY HOUSING
REHABILITATION PROGRAM; AND PROVIDING AN EFFECTIVE DATE.
- 7.21. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-261 AUTHORIZING THE MAYOR TO EXECUTE THE CDBG SUB-RECIPIENT
GRANT AGREEMENT WITH HOPE OUTREACH, INC., TO PROVIDE SOCIAL
SERVICES/EMERGENCY ASSISTANCE TO DAVIE'S LOWER-INCOME
FAMILIES AND INDIVIDUALS.
- 7.22. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-262 PROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE
LIEN IN CASE NO. 95-126 FROM \$47,300 IN AMOUNT TO \$1,000; AND
PROVIDING AN EFFECTIVE DATE.
- 7.23. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-263 A REVISION TO THE RESTRICTIVE NOTE OF THE "NOVA PLAT NO. 2"
PLAT; AND PROVIDING AN EFFECTIVE DAVIE. (DG 9-1-02, 2900 Davie Road)

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7.24. **CONTRACT RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2002-264 NEWING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVID
K. SIGERSON, JR. OF ERICKS CONSULTANTS, INC. TO REPRESENT THE
TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL
CONSULTING SERVICES FOR FISCAL YEAR 2002. (not to exceed \$36,000)

7.25. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-265 TO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND GRANDE
CONSULTING INC., TO REPRESENT THE TOWN OF DAVIE FOR
LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES. (not to
exceed \$36,000)

Temporary Use Permits

7.26. TU 8-1-02, Pemmar Seventh Day Adventist Church, 3375 NW 74 Avenue

7.27. TU 9-1-02, University Commons, 6555 Nova Drive

7.28. TU 9-2-02, Davie United Methodist Church, 6500 SW 47 Street

7.29. TU 9-3-02, St. Bonaventure Church, 1301 SW 136 Avenue

7.30. TU 9-4-02, Nova High School Band, 7911 Orange Drive

7.31. TU 10-2-02, Circle of Love of Davie/Cooper City, 5600 Griffin Road

Councilmember Truex asked that items 7.16, 7.19, 7.22, 7.24, and 7.25 be removed from the Consent Agenda. Mr. Kiar asked that item 7.20 be removed.

Councilmember Starkey made a motion, seconded by Vice-Mayor Clark, to approve the Consent Agenda without items 7.16, 7.19, 7.20, 7.22, 7.24, and 7.25. In a voice vote, all voted in favor. (Motion carried 5-0)

7.16 Councilmember Truex questioned how the Town was utilizing Sarasota's bid contract. Programs Administrator Chris Kovanes advised that this contract was researched and would provide cost savings as the equipment being purchased would be superceded by a newer model with a higher cost. He explained that there were time constraints and the vendor was willing to offer the Town the same bid they gave to Sarasota.

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)

7.19 Councilmember Truex asked why this was a resolution while there was a related item on the agenda as an ordinance. He asked why these annexations were not being included with all of United Ranches.

Mr. Willi reminded that Council approved a local bill for the entire annexation of United Ranches. He stated that people approached the Town to voluntarily annex into the Town and they had to be dealt with separately. Mr. Willi explained that the ordinance was contiguous to the border of Davie. This resolution referred to a single enclave that did not border the Town and explained that this resolution would show the Town's desire to annex United Ranches.

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

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7.20 Mr. Kiar indicated that there were two errors: the word “predicated” should replace “predicted” in item 10.4 and his name was misspelled in Article 9. He asked that these changes be made prior to signing the agreement.

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

7.22 Councilmember Truex asked why the Town was not going with the guidelines, what the quitclaim deed referred to, and why the Special Master had made his recommendations. Mr. Kutney stated that staff had used the standard mitigation process; however, the property owner disagreed who then chose to go to the Special Master. He stated that the Special Master considered five key issues which he explained.

Councilmember Truex stated that he did not feel this issue should be mitigated and felt that the original mitigation fee would just cover the Town’s cost.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to mitigate to \$8,277.19. In a voice vote, all voted in favor. (Motion carried 5-0)

7.24 Councilmember Truex questioned if contracts for the other consultants would be heard. Mr. Willi indicated that Mitch Caesar’s contract was not yet up for renewal. Councilmember Starkey reminded that Mr. Caesar’s contract was not yearly, but required that 30-day notice be given. She felt his contract should be annual like the others.

Councilmember Paul asked the impact that Mr. Sigerson’s firm had in regards to the annexation issue and the conflicts therein. David Sigerson, representing Ericks Consulting, did not believe there was any conflict with what the Town was trying to accomplish in regards to annexation.

Mr. Willi referred to Mr. Sigerson’s action for Pembroke Park to try to stop all annexation and asked if that worked against the Town’s goals for annexation. Mr. Sigerson explained that Pembroke Park was separated from the rest of the annexation issues around the County which he did not think would negatively impact the goals of the Town. He explained that his firm would be willing to bill the Town hourly with a detailed list rather than a monthly bill for services rendered.

David Ericks, representing Ericks consulting, stated that he did not prefer hourly billings because he could get a lot accomplished with one telephone call and the hourly billing was time consuming.

Mayor Venis and Councilmember Starkey indicated that they had no objections to the monthly bill as opposed to the hourly bill.

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

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

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8. PUBLIC HEARINGS

Ordinances - Second and Final Reading

- 2002-34 8.1. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ADDING REGULATIONS TO PRESERVE THE RURAL LIFESTYLE CHARACTERISTICS EVIDENT THROUGHOUT THE TOWN OF DAVIE AND RENAMING ARTICLE IX THE RURAL LIFESTYLE REGULATIONS; ADDING SECTION 12-281, ENTITLED "INTENT AND APPLICABILITY" PROVIDING FOR INTENT AND APPLICABILITY IN THE CREATION OF THE RURAL LIFESTYLE REGULATIONS; ADDING SECTION 12-282, ENTITLED "SCENIC CORRIDORS OVERLAY DISTRICT"; PROVIDING FOR THE CREATION OF SCENIC CORRIDORS WITHIN THE TOWN OF DAVIE ALONG MAJOR RURAL CORRIDORS; ADDING SECTION 12-283, ENTITLED "DEVELOPMENTSTANDARDS"; PROVIDING FOR ALLOWABLE DEVELOPMENT WITHIN A SCENIC CORRIDOR; ADDING SECTION 12-284, ENTITLED "FENCES, MAILBOXES, BUS STOPS, AND ENTRANCEWAY FEATURES; PROVIDING FOR DEVELOPMENT STANDARDS FOR ALLOWABLE STRUCTURES WITHIN A SCENIC CORRIDOR; ADDING SECTION 12-285, ENTITLED "LANDSCAPING"; PROVIDING FOR LANDSCAPE STANDARDS WITHIN SCENIC CORRIDORS; ADDING DIVISION 3, ENTITLED "RURAL LIFESTYLE DEVELOPMENT REGULATIONS"; PROVIDING FOR DESIGN REGULATIONS FOR ALL PROPERTY AFFECTED BY THE RURAL LIFESTYLE INITIATIVE; ADDING SECTION 12-286, ENTITLED "INTENT, APPLICABILITY, AND BOUNDARIES"; PROVIDING FOR INTENT, APPLICABILITY, AND BOUNDARIES FOR THE PROPERTIES AFFECTED BY THE RURAL LIFESTYLE REGULATIONS; ADDING SECTION 12-287, ENTITLED "DEVELOPMENT STANDARDS"; PROVIDING FOR DEVELOPMENT STANDARDS IN LANDS GOVERNED BY THE RURAL LIFESTYLE REGULATIONS PERTAINING TO LOT SIZE AND SETBACKS; ADDING SECTION 12-288, ENTITLED "INCENTIVES"; PROVIDING FOR INCENTIVES FOR DEVELOPMENTS THAT PROVIDE OPEN SPACE, ACRE LOTS, AND FLORIDA VERNACULAR ARCHITECTURE; ADDING SECTION 12-289, ENTITLED "PURPOSE"; PROVIDING FOR STREET ACCESS AND CIRCULATION; ADDING SECTION 12-290, ENTITLED "ARCHITECTURAL DESIGN STANDARDS"; PROVIDING FOR REQUIRED DESIGN FEATURES, STREET ORIENTATION, AND PROJECTIONS; ADDING SECTION 12-291, ENTITLED "ANTI-MONOTONY"; PROVIDING FOR HOUSE PLACEMENTS TO ENSURE VISUAL VARIATION; ADDING SECTION 12-292, ENTITLED "STREET STANDARDS"; PROVIDING FOR REGULATIONS ON PUBLIC AND PRIVATE STREETS AND COMMON DRIVEWAYS: ADDING SECTION 12-293, ENTITLED "PLAT REQUIREMENTS AND PUBLIC DEDICATIONS"; PROVIDING FOR PUBLIC DEDICATION OF ROAD RIGHTS-OF-WAY AT TIME OF PLATTING" ADDING SECTION 12-294, ENTITLED "SITE LANDSCAPING"; PROVIDING FOR LANDSCAPE

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REQUIREMENTS FOR LANDS GOVERNED BY THE RURAL LIFESTYLE REGULATIONS; ADDING SECTION 12-295, ENTITLED "OPEN SPACE RELATIONSHIPS"; PROVIDING FOR THE DESIGN OF PROPERTIES ADJACENT TO OPEN SPACE; ADDING SECTION 12-296, ENTITLED "STORMWATER RETENTION"; PROVIDING FOR DESIGN OF STORMWATER RETENTION AREAS; ADDING SECTION 12-297, ENTITLED "LIGHTING"; PROVIDING FOR THE DESIGN OF SITE LIGHTING FOR LANDS GOVERNED BY THE RURAL LIFESTYLE REGULATIONS; AND AMENDING THE FOLLOWING SECTIONS OF THE LAND DEVELOPMENT CODE FOR THE CLEAR IMPLEMENTATION OF THE RURAL LIFESTYLE REGULATIONS; AMENDING SECTION 12-24, ENTITLED "STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS"; PROVIDING FOR FURTHER CLARIFICATION OF THE INTENT OF THE AG, A-1, AND R-1 ZONING DISTRICTS; AMENDING SECTION 12-33, ENTITLED "GENERAL REGULATIONS"; PROVIDING FOR FENCES, WALLS AND HEDGES, PORCHES AND FLAG LOTS IN THE AG, A-1 AND R-1 ZONING DISTRICTS; AMENDING SECTION 12-53 AND TABLE 12-53 ENTITLED "RESIDENTIAL PERFORMANCE STANDARDS" PROVIDING FOR DEVELOPMENT STANDARDS FOR THE AG, A-1, AND R-1 ZONING DISTRICTS TO PROVIDE FOR THE MAINTENANCE OF THE RURAL CHARACTERISTICS IN THE TOWN; AMENDING TABLE 12-54, ENTITLED "NON-RESIDENTIAL PERFORMANCE STANDARDS"; PROVIDING FOR NON-RESIDENTIAL DEVELOPMENT STANDARDS FOR THE AG, A-1, AND R-1 ZONING DISTRICTS, TO PROVIDE FOR THE MAINTENANCE OF THE RURAL CHARACTERISTICS IN THE TOWN; AMENDING TABLE 12-81A, ENTITLED "CONVENTIONAL SINGLE-FAMILY DEVELOPMENT STANDARDS"; PROVIDING FOR REVISED DEVELOPMENT STANDARDS FOR THE AG, A-1, AND R-1 ZONING DISTRICTS, INCREASING THE MINIMUM LOT SIZE OF LANDS ZONED AG TO 43, 560 SQUARE FEET TO PROVIDE FOR THE MAINTENANCE OF THE RURAL CHARACTERISTICS IN THE TOWN, PROVIDING INCENTIVES FOR DEVELOPMENTS ON 43, 560 SQUARE FEET LOTS, INCENTIVES FOR ADDITIONAL OPEN SPACE AND INCENTIVES FOR FLORIDA TRADITIONAL VERNACULAR ARCHITECTURE; AMENDING SECTION 12-107, ENTITLED "LANDSCAPING STANDARDS TO LOTS AND SITES"; PROVIDING FOR LANDSCAPE STANDARDS TO MAINTAIN THE RURAL CHARACTERISTICS THROUGH THE USE OF NATIVE PLAN MATERIAL AND MORE NATURAL LANDSCAPE DESIGN REQUIREMENTS, PROHIBITING THE USE OF GUARD-GATES OR OTHER DEVICES WHICH RESTRICT ACCESS AND REVISING WALL REQUIREMENTS IN THE ONE ACRE PARCELS; AMENDING SECTION 12-114, ENTITLED "DEFINITIONS"; PROVIDING FOR ADDITIONAL LANDSCAPE DEFINITIONS; AMENDING SECTION 12-238, ENTITLED "GENERAL REGULATIONS"; PROVIDING FOR SIGNAGE WITHIN A SCENIC CORRIDOR; AMENDING SECTION 12-243, ENTITLED "DETAILED SIGN REGULATIONS" PROVIDING FOR MINIMUM

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SIGN STANDARDS WITHIN A SCENIC CORRIDOR; AMENDING SECTION 12-261, ENTITLED "STREET LIGHTING"; PROVIDING FOR STREET LIGHTING IN SCENIC CORRIDORS AND IN AREAS DESIGNATED AS WITHIN THE RURAL LIFESTYLE REGULATIONS; AMENDING SECTION 12-264, ENTITLED "PLATS"; REQUIRING ROAD RIGHTS-OF-WAY TOP BE DEDICATED AT TIME OF PLATTING; AMENDING SECTION 12-331, ENTITLED "ACCESS TO DEVELOPMENT; PROHIBITING PRIVATE STREETS IN LANDS GOVERNED BY THE RURAL LIFESTYLE REGULATIONS; AMENDING SECTION 12-332, ENTITLED "ARRANGEMENT OF STREETS"; RESTRICTING CUL-DE-SACS IN LANDS GOVERNED BY THE RURAL LIFESTYLE REGULATIONS AND PROVIDING FOR STREET TYPES IN KEEPING WITH THE RURAL LIFESTYLE DEVELOPMENT REGULATIONS; AMENDING SECTION 12-336, ENTITLED "BLOCKS"; PROVIDING FOR REGULATIONS FOR THE AG, A-1, AND R-1 ZONING DISTRICTS; AMENDING SECTION 12-338, ENTITLED "DESIGN CRITERIA FOR LOCAL STREET BY DEVELOPMENT TYPE"; PROVIDING FOR REGULATIONS TO LIMIT CUL-DE-SACS IN THE AG, A-1, AND R-1 ZONING DISTRICTS; AMENDING SECTION 12-338, TABLE II, ENTITLED "LOW DENSITY RESIDENTIAL"; PROVIDING FOR ROAD STANDARDS APPLICABLE TO THE AG, A-1, AND R-1 ZONING DISTRICTS; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS": PROVIDING FOR DEFINITIONS FOR WORDS UTILIZED IN THE RURAL LIFESTYLE REGULATIONS; CREATING REGULATIONS TO IMPLEMENT THE TOWN'S RURAL LIFESTYLE REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was approved earlier in the meeting.

- 8.2. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2002-35 FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ADDING REGULATIONS TO PRESERVE OPEN SPACE IN THE ONE-UNIT PER ACRE LAND USE CATEGORIES BY CREATING THE OPEN SPACE DESIGN OVERLAY PROCESS; RENAMING ARTICLE IX THE RURAL LIFESTYLE REGULATIONS; ADDING DIVISION 5, ENTITLED "OPEN SPACE DESIGN OVERLAY"; PROVIDING FOR REGULATIONS TO PRESERVE THE RURAL LIFESTYLE CHARACTERISTICS OF THE TOWN OF DAVIE; ADDING SECTION 12-290, ENTITLED "INTENT, APPLICABILITY, DEFINITION, AND BOUNDARIES"; PROVIDING FOR INTENT, APPLICABILITY, DEFINITION, AND BOUNDARIES FOR THE OPEN SPACE DESIGN OVERLAY; ADDING SECTION 12-291, ENTITLED "OPEN SPACE OVERLAY PROCESS: PROVIDING FOR THE OPEN SPACE OVERLAY PROCESS; ADDING SECTION 12-292, ENTITLED "CRITERIA"; PROVIDING REGULATIONS BY WHICH TO REVIEW AN OPEN SPACE DESIGN APPLICATION; ADDING SECTION 12-293, ENTITLED "INCENTIVES"; PROVIDING FOR INCENTIVES WHEN

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UTILIZING THE OPEN SPACE DESIGN OVERLAY PROCESS; ADDING SECTION 12-294, ENTITLED "OPEN SPACE STANDARDS; PROVIDING FOR DEVELOPMENT STANDARDS; ADDING SECTION 12-295, ENTITLED "ACCESS AND ROADS"; PROVIDING FOR GUIDELINES IN THE DESIGN OF ACCESS POINTS AND ROADS IN AN OPEN SPACE DESIGN DEVELOPMENT; ADDING SECTION 12-296, ENTITLED "LANDSCAPE REQUIREMENTS"; PROVIDING FOR LANDSCAPE STANDARDS IN OPEN SPACE DESIGN DEVELOPMENTS; ADDING SECTION 12-297, ENTITLED "FENCING AND WALLS"; PROVIDING FOR REGULATIONS ON FENCING AND WALLS TO PRESERVE OPEN SPACE IN OPEN SPACE DESIGN DEVELOPMENTS; ADDING SECTION 12-298, ENTITLED "OPEN SPACE MAINTENANCE AND OWNERSHIP"; PROVIDING FOR REQUIRED MANAGEMENT PLANS FOR OPEN SPACE, DOCUMENTS FOR THE OWNERSHIP OF THE OPEN SPACE AND PROVISIONS FOR THE DEDICATION OF OPEN SPACE TO THE TOWN; PROVIDING FOR REVISED DEVELOPMENT STANDARDS FOR THE AG, A-1, AND R-1 ZONING DISTRICTS TO PROVIDE FOR THE MAINTENANCE OF THE RURAL CHARACTERISTICS IN THE TOWN; AMENDING SECTION 12-72, ENTITLED "OPEN SPACE USES, LIMITATIONS"; PROVIDING FOR LANGUAGE TO ALLOW THE OPEN SPACE DESIGN PROCESS TO SUPERCEDE; AMENDING SECTION 12-307, ENTITLED "REVIEW FOR REZONINGS"; PROVIDING FOR THE REVIEW OF OPEN SPACE DESIGN OVERLAY UTILIZING THE FINDING OF FACT FOR REZONINGS; AMENDING SECTION 12-306, ENTITLED "PROCESSING"; PROVIDING FOR OPEN SPACE DESIGN TO FOLLOW THE PROCESSING REQUIREMENTS OF A REZONING APPLICATION; AMENDING SECTION 12-372, ENTITLED "SITE PLAN SUBMISSION REQUIREMENTS"; PROVIDING FOR REQUIREMENTS FOR AN OPEN SPACE DESIGN DEVELOPMENT PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was approved earlier in the meeting.

Discussion

8.3. Davie Land Trust (deferred from October 2, 2002)

Ms. Nolan explained that this item was a continuation of the Rural Lifestyle Initiative. She explained that most Davie farmers would not qualify for federal, state, or water management programs because the farms were too small. Ms. Nolan referred to the Martin County Land Trust and information she had received. She suggested that a Davie Land Trust should be established as a separate, non-profit entity that would allow for application to foundation and endowment monies that target small properties. Ms. Nolan stated that the Town's would be the first municipal Land Trust in the State of Florida and perhaps in the nation. She added that the woman who was in charge of the State's Land Trust offered her services free of charge and would be willing to do a presentation for Council.

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Councilmember Paul felt this was an exciting proposition and she would like to see the Town move forward with this concept. Council gave direction to staff to have a presentation made to Council.

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Ordinances - First Reading (Second and Final Reading to be held November 6, 2002)

- 8.4. **AMEND FEE SCHEDULE** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CURRENT FEE SCHEDULE FOR THE DEVELOPMENT SERVICES DEPARTMENT TO INCLUDE REVISED FEES FOR THE BUILDING, ENGINEERING, AND PLANNING AND ZONING DIVISIONS OF THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Venis advised that the second and final reading would be held at the November 6, 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 Truex, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 8.5. **ANNEXATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA ANNEXING TO THE TOWN OF DAVIE, THE WEST ONE-HALF OF THE NORTH ONE-HALF OF THAT PART OF A STRIP OF LAND KNOWN AS THE "NEUTRAL STRIP", LYING BETWEEN NEWMAN'S SURVEY OF TOWNSHIP 50 SOUTH, RANGE 41 EAST, AND TOWNSHIP 50 SOUTH, RANGE 40 EAST, AND LYING WEST OF TRACT 25 BETWEEN THE NORTH AND SOUTH LINES OF SAID TRACT 25, EXTENDING IN A WESTERLY DIRECTION OF SAID NEWMAN'S SURVEY OF SECTION 30; LYING AND BEING IN BROWARD COUNTY, FLORIDA, PLUS ANY INTEREST OF PETITIONER IN ADJACENT PUBLIC RIGHTS-OF-WAY. (Irene Johnson, 11200 Griffin Road)

Town Clerk Muniz read the ordinance by title. Mayor Venis advised that the second reading would be held at the November 6, 2002 Council meeting.

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. Councilmember Starkey requested that this be forwarded to the AdHoc committee. 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 at a future date)

- 8.6. **TRANSMITTAL** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT)02-10 AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE ELEMENT TEXT TO ESTABLISH POLICIES AND OBJECTIVES WHICH ENCOURAGE THE PRESERVATION AND ENHANCEMENT OF THE TOWN'S RURAL LIFESTYLE AND EQUESTRIAN LIFESTYLE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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Mayor Venis advised that the second reading would be held at a future 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 stated that the Town's Charter called for a supermajority vote for land use and asked if a supermajority was required for this item. Mr. Kiar indicated in the affirmative. Councilmember Truex asked Councilmember Starkey to vote against this ordinance because there was reference to open spaces. He explained that he did not want to amend the Comprehensive Plan to include the open space overlay.

Councilmember Starkey suggested tabling this item. She indicated that she was in favor of the ordinance except for the open space issue.

Mayor Venis asked Mr. Kiar why this item would need the supermajority vote. He indicated that Council was not voting on a land use plan amendment and did not think a supermajority was necessary. Mr. Kiar recommended tabling it so that he could come back with a definitive answer regarding the need for a super-majority vote.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to table to November 6, 2002. In a voice vote, all voted in favor. (Motion carried 5-0)

Item to be tabled

8.7. STAFF REQUESTING A TABLING TO DECEMBER 18, 2002

TOWING FRANCHISE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, GRANTING A TOWING FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS THERETO, AND SETTING FORTH AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

9. APPOINTMENTS

9.1. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmembers Truex and Paul; 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 Truex and Paul deferred their appointments.

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

Mayor Venis and Councilmember Starkey deferred their appointments.

9.3. Open Space Advisory Committee (one exclusive appointment - Councilmember Starkey and Mayor Venis; terms expire April 2004)

Mayor Venis and Councilmember Starkey deferred their appointments.

10. OLD BUSINESS

There was no old business to discuss.

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11. NEW BUSINESS

11.1. Metropolitan Planning Organization Update - Councilmember Paul Mayor Venis indicated that this item had been discussed at a previous meeting.

COUNCILMEMBER'S COMMENTS

VICE-MAYOR CLARK

SILVER LAKE CONCERNS. Vice-Mayor Clark asked about the concerns with algae in Silver Lake. Mayor Venis explained that the Town was responsible for treating the lake and was obtaining waivers of liability; however, all waivers were not received.

Public Works/Capital Projects Director Bruce Bernard confirmed that the Town would not begin treating the lake until the liability waivers were obtained from the 17 homeowners who had encroachments on the lake. He explained that the residents were complaining that they could not use the lake because of the algae; however, if the waivers were not in place, the Town would be liable.

Vice-Mayor Clark stated that the lake was disgusting and she felt the water should be treated nonetheless. Mr. Willi directed Mr. Bernard to treat the lake. He stated the Town had given more than fair notice to these residents and the liability to the Town at this point was minimal.

Vice-Mayor Clark reported that there were some residents that had complied with the Town's direction and they wanted the lake cleaned up. She added that the residents also wanted to know what was happening with the park. Mr. Willi recommended that the Town set a deadline for those not in compliance.

COUNCILMEMBER STARKEY

DAVIE CHARTER SCHOOL. Councilmember Starkey stated that the Broward County School Board had approved a Charter School for the Town. She was concerned that the Town was not notified and therefore did not attend the meeting. Councilmember Starkey was also concerned with the intended population of the school and felt it was put in place to undermine the proposed middle school on Shotgun Road.

Mayor Venis reported that the group who was approved for the Charter School was going to make a presentation to the Davie School Advisory Board.

ORANGE DRIVE TRAFFIC. Councilmember Starkey expressed her concerns with the traffic on Orange Drive due to the construction of the bridge and Griffin Road.

LONG LAKE RANCHES FENCING. Councilmember Starkey spoke with Senator Debbie Wasserman-Shultz regarding this issue and stated that declaratory statements were expected. She asked that staff follow up with what determination the Florida Building Commission had. She indicated that Senator Wasserman-Shultz felt that the Town's staff was misinterpreting the fencing code. Councilmember Starkey asked that staff follow up with the County.

Mr. Kutney explained that this was not solely an issue. Mr. Willi explained that the County interpreted the code and then told all municipal building departments how to enforce it. Councilmember Starkey requested that this interpretation be forwarded to both herself and to Senator Wasserman-Shultz.

COUNCILMEMBER TRUEX

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WELL WISHES. Councilmember Truex expressed his concern for Councilmember Paul's family.

SPECIAL EDITION OF DAVIE UPDATE. Councilmember Truex expressed his dissatisfaction with the special edition of the Davie Update. He felt it was one-sided and Council was not given adequate time to respond to the articles. Councilmember Truex also felt that it reflected the opinions of three of the Councilmembers.

TOWN ETHIC'S CODE. Councilmember Truex asked that this be added to the next agenda, for discussion by Council.

BASSETT ISSUE. Councilmember Truex wanted to know what the status was with Mr. Bassett. Mr. Willi stated that the date of the cease and desist was "the 15th." Mr. Kutney explained that issue.

VOTER APPROVED DEBT. Councilmember Truex wanted to know the status of the voter approved debt for the new Town Hall and the new fire station. Assistant Town Ken Administrator Cohen advised that he believed this issue would be placed on the ballot in March 2003.

12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 10:55 p.m.

Approved _____

Mayor/Councilmember

Town Clerk