

**TOWN OF DAVIE  
REGULAR MEETING  
DECEMBER 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 (arrived at 8:05 p.m.), Vice-Mayor Clark, Councilmembers Paul, Starkey, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

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

**3. OPEN PUBLIC MEETING**

Vice-Mayor Clark advised of the rules of the Open Public Meeting.

Joe Orandello, 14660 SW 17 Court, asked Council to reconsider the mitigation request on his Code compliance lien. He asked that an extension be granted so that he could refinance his home and pay the fine. Mr. Kutney advised of the history of this issue and stated that the amount proscribed was based on mitigation guidelines. He stated that the original fine was in excess of \$100,000 and the Town had mitigated it to approximately \$47,000, which Council had approved.

Councilmember Paul realized that this item could not be reconsidered, but would have to be addressed as a new item. She clarified that the Town had already substantially reduced the fine. Mr. Orandello indicated that his offer would cover the Town's costs. Mr. Kiar indicated that when the 45 days were up, the \$47,000 agreement would expire and the original fine would be imposed. Councilmember Paul asked if the \$31,000 covered the Town's costs. Mr. Kutney indicated that the offer would basically cover the Town Attorney and the Court costs.

Councilmember Truex indicated that he was not opposed to the extension, but felt Mr. Orandello should pay the agreed upon fine of \$47,000.

Vice-Mayor Clark advised that Mr. Orandello's recourse would be to allow the time period to expire and then it would come back before Council.

Marian Russell, former Commissioner of the Central Broward Water Control District, complained about some of the tactics used by current Commissioner Dave Donzella during the last election. She provided letters from the Sierra Club and the Fair Campaign Practices Committee of Broward County which indicated that the charges filed against her by Mr. Donzella were dismissed.

Wayne Arnold, Commissioner of the Central Broward Water Control District, spoke of the new practices of the District that helped alleviate many of the drainages problems the Town had suffered. He thanked the Town for its support.

Barbara Tilly, President of the Homeowners Association of Park City Estates, asked when the new route would go into affect. Mr. Willi explained that the grant had not yet been received

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and residents would be notified as soon as the new route was in place. Ms. Tilly thanked Council for the three locator signs for Park City Estates.

Richard Myers, 1700 SW 83 Avenue, spoke of the dangerous situation with horses and riders on Orange Drive. He asked that an ordinance be passed that required equestrians to wear helmets. Vice-Mayor Clark and Councilmember Paul indicated that such an ordinance already existed.

Ira Fox, representing National Spa and Pool Institution, spoke of the new requirements of the pool performance bond and felt it was unjustified. Mr. Willi indicated that the bond was for customer protection and sometimes it negatively affected "good" pool contractors. He offered to bring information to Council for possible modification. Mr. Willi spoke of different measures that could be implemented to alleviate the burden on the "good" contractors.

Don Koponon, a pool builder, asked what other trades were required to have bonds. He felt the bond was not fair because it put the entire burden of pool projects, including other contractors, on the pool contractor. Mr. Willi stated that bonds were required for various building permits.

Dean Alexander, Chair of the Senior Citizen Advisory Board, updated Council on this Board. He spoke of a presentation made by Frank Desco whose organization provided computer classes for senior citizens.

Stacie Revish, spoke on behalf of *South Florida Parenting Magazine* and Ace Educational Store. She indicated that a special event for children would be held at the store on December 11th.

Kathy Cox, 4940 Thoroughbred Lane - Southwest Ranches, congratulated the Town on the trail map and the success of the bike rally and provided a historical perspective of the trail by Forest Ridge. She voiced her concerns about the Town giving away public access lands.

Hilda Testa, 13940 SW 24 Street, thanked Council for not giving away any more trails and felt that more trails would deter overcrowding.

Sandra Switzer, 13510 SW 29 Street, spoke of the last Open Space Advisory Committee meeting and the discussion regarding the property in question. She spoke of how hard succeeding Councils and residents had worked on developing these trails. Ms. Switzer felt that giving the trail back would set a dangerous precedent.

Don Maines, 17401 SW 48 Street, president of the South Florida Trailriders, spoke of his organization's use of the trails and asked that Council preserve current trails.

Ms. Switzer spoke of SW 136 Avenue and indicated that there was a very narrow roadway that made it dangerous for residents of this area to traverse it. She asked if the Town could expand the turning radius in this area. Councilmember Paul felt that a meeting should be held with residents in this area regarding this issue.

**4. PRESENTATIONS**

**4.1. Wings of Gold (deferred from November 20, 2002)**

Vice-Mayor Clark presented Bob Amchir with a plaque commemorating his organization's support of the Town. Mr. Amchir thanked Council for the plaque and spoke of the Toy Run Motorcycle Rally.

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4.2. Chris Stanton - Recognition by the Fire Department

Councilmember Paul made a motion, seconded by Councilmember Truex, to table until December 18, 2002. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

4.3. Soccer Teams Trophy Presentation - Dennis Andresky

Mr. Andresky introduced coaches from the Youth Travel Soccer program. Coach Cindy Gross introduced the players and coaches. Trophies were presented to Council from the winning teams.

4.4. Western High School Food Drive

Councilmember Paul made a motion, seconded by Councilmember Truex, to reschedule to December 18, 2002. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

Councilmember Paul presented a plaque from the Special Olympics to Council.

Vice-Mayor Clark announced that item 8.7 was withdrawn by staff.

Councilmember Truex made a motion, seconded by Councilmember Paul to withdraw item 8.7. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

Vice-Mayor Clark announced that items 9.2 and 9.3 were requested to be tabled until January 2, 2003 by the petitioner.

Councilmember Paul made a motion, seconded by Councilmember Truex to table until January 2, 2003. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

Vice-Mayor Clark announced that items 8.17, 8.18, 12.1, and 12.2 were requested to be added to the agenda.

Councilmember Starkey made a motion, seconded by Councilmember Paul to add items 8.17, 8.18, 12.1, and 12.2 to the agenda. In a voice vote, with Mayor Venis being absent, all voted in favor. (Motion carried 4-0)

**5. MAYOR/COUNCILMEMBER'S COMMENTS**

**VICE-MAYOR CLARK**

**THANK YOU.** Vice-Mayor Clark thanked Council for excusing her at the last Council meeting.  
**SW 58 AVENUE.** Vice-Mayor Clark stated that she was pleased that the issue on SW 58 Avenue was being addressed.

**HOLIDAY PARADE.** Vice-Mayor Clark looked forward to the Forest Ridge Parade.

**AIRPORT EXPANSION.** Vice-Mayor Clark spoke of the joint meeting with the City of Hollywood regarding the airport expansion.

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**COUNCILMEMBER TRUEX**

**CONGRATULATIONS.** Councilmember Truex congratulated Rabbi Greenspan on the grand opening of Temple Beth Emet on Flamingo Road.

**AIRPORT EXPANSION.** Councilmember Truex felt the Town should be very alarmed about this project. He felt the airport expansion would have detrimental effects on the Town.

**LIGHTING OF THE GREENS.** Councilmember Truex reminded of this event on December 8th.

**BIKE PATH ON HIATUS ROAD.** Councilmember Truex was concerned with the bike path on Hiatus Road and Ernest Boulevard and felt it needed to be corrected.

**HOLSUM BREAD STORE.** Vice-Mayor Clark asked Mr. Willi if the issue with the large trucks was resolved. Mr. Willi indicated that resolution was near.

**COUNCILMEMBER STARKEY**

**AIRPORT EXPANSION.** Councilmember Starkey thanked Council for attending the joint meeting with Hollywood. She spoke of the FAA's most recent study and its findings and recommended that an airport advisory task force be established.

Vice-Mayor Clark asked if the task force would only be concerned with the impacts to the Town. Councilmember Starkey indicated that it would consider other aspects as well.

Councilmember Paul wondered if the same results could be achieved with workshops because a committee would need to read all the material, which was substantial, and the board would only be in place until May 2003.

Mayor Venis agreed that it would be a good idea for a committee to be created. He asked if the Davie Water and Environmental Advisory Board could address this concern instead of creating a new board. Councilmember Starkey was concerned that this might dilute the importance of this issue. She suggested that a subcommittee of this Board could be utilized.

Councilmember Truex was in favor of creating a board with a limited term of existence.

Councilmember Starkey made a motion, seconded by Vice-Mayor Clark, to create an airport advisory task force to look into the impact. In a voice vote, all voted in favor. (Motion carried 5-0)

**FOREST RIDGE HOLIDAY PARADE.** Councilmember Starkey indicated that the parade was scheduled for December 7th.

**RELAY FOR LIFE.** Councilmember Starkey advised that this event was scheduled for March 22 and 23, 2003.

**HOLIDAY WISHES.** Councilmember Starkey wished everyone a happy belated Thanksgiving and Happy Hanukkah.

**COUNCILMEMBER PAUL**

**BIRTHDAY WISHES.** Councilmember Paul wished Mike Bender a happy birthday.

**HOLIDAY WISHES.** Councilmember Paul wished everyone a happy Hanukkah.

**BRIDGE CONCERNS.** Councilmember Paul stated that there were still problems with the line of sight on this bridge, which was located west of Flamingo Road. She stated that relief was

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needed, especially with lighting and stacking and asked that staff assist with this concern in addressing Florida Department of Transportation.

Councilmember Paul was also concerned with the bridge west of Pine Island. She stated that pavers were supposed to be installed for the bicycle path.

**HOME FOR THE HOLIDAYS.** Councilmember Paul spoke of the fundraising event for the Boys and Girls Club of Davie. She thanked Rick and Rita Case for their support.

**LIGHTING OF THE GREEN.** Councilmember Paul deferred to Special Projects Director Stafiej to report on this event. Ms. Stafiej stated the event would take place on December 8th and indicated that trophies would be awarded for the tree decorating contests. She commended the Public Works Department for their efforts.

**MAYOR VENIS**

**COMMENDATIONS.** Mayor Venis thanked Ms. Stafiej and Public Works for their efforts with holiday celebrations.

**EARL MORRALL PASS.** Mayor Venis spoke of his communication with Broward County Commissioner Lori Parrish regarding this issue. He stated that the Florida Department of Transportation had taken the signs down and the County was going to ask them to replace the signs at their cost.

8.18 Rick Case Bikes for Kids Day (December 4, 2002)

Mayor Venis called Rick and Rita Case to the dais. He asked Town Clerk Muniz to read the proclamation in celebration of Rick Case "Bikes for Kids Day" into the record. Town Clerk Muniz read the proclamation into the record.

**6. TOWN ADMINISTRATOR'S COMMENTS**

**PIGGYBACK BIDS.** Mr. Willi distributed a memo to Council regarding piggyback bids.

**JOLMY.** Mr. Willi spoke of Jolmy Enterprises and the information gathered in preparation for the December 5th workshop.

**7. TOWN ATTORNEY'S COMMENTS**

**HOLIDAY WISHES.** Mr. Kiar wished everyone a happy Hanukkah.

**8. CONSENT AGENDA**

*Minutes*

8.1. October 2, 2002 - Regular Meeting

8.2. October 16, 2002 - Regular Meeting

*Home Occupational Licenses*

8.3. Adventor Consulting Corporation, 14090 SW 28 Court

8.4. Heaven On Earth, 1550 SW 139 Avenue

8.5. Lazaro Salazar Dealer for Snap-On Tools, 14521 SW 21 Street

8.6. Prime Power Consultants, LLC, 11916 Acorn Drive

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*Resolutions*

- 8.7. **WITHDRAWN BY STAFF**  
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 November 6, 2002)
- 8.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN POINCIANA SOUTHWOOD, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 8.9. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE UTILIZATION OF FUNDS NOT TO EXCEED \$3,100 FROM THE LAW ENFORCEMENT TRUST FUND FOR THE PURCHASE OF ONE NARCOTIC DETECTION K-9 FOR THE DAVIE POLICE DEPARTMENT.
- 8.10. **ANNEXATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE RESIDENTS OF THE UNITED RANCHES NEIGHBORHOOD HAVING THE OPPORTUNITY TO DETERMINE WHETHER THEY WILL BE ANNEXED INTO THE TOWN OF DAVIE OR THE CITY OF COOPER CITY.
- 8.11. **BONDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF THE ACQUISITION OF THE SUNDANCE AT DAVIE, INC. PARCEL OR FOR OTHER MUNICIPAL PURPOSES AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF. (\$950,000)
- 8.12. **INVESTMENT BANKING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRMS OF SUNTRUST CAPITAL MARKETS AND SALOMON SMITH BARNEY TO PROVIDE INVESTMENT BANKING SERVICES.
- 8.13. **APPOINTMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPOINTING A REPRESENTATIVE, AN ALTERNATE REPRESENTATIVE, AND A SECOND ALTERNATE REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE SOUTH EAST RISK MANAGEMENT ASSOCIATION (SERMA).

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- 8.14. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "REGENCY PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 10-4-02, 4703 SW 148 Avenue)
- 8.15. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF "THE ORANGE DRIVE - PINE ISLAND PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 11-2-02, 4200 Alpine Wood Road)
- 8.16. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION, ACCEPTANCE AND IMPLEMENTATION OF A GRANT FOR HISTORIC PRESERVATION OF THE VIELE HOUSE FROM THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, IN THE AMOUNT OF \$50,000 (WITH \$50,000 MATCHING FUNDS).

Councilmember Paul requested that items 8.1, 8.4, 8.5, 8.14 and 8.15 be removed from the Consent Agenda.

Councilmember Starkey made a motion, seconded by Vice-Mayor Clark, to approve the Consent Agenda without items 8.1, 8.4, 8.5, 8.14, and 8.15. In a voice vote, all voted in favor. (Motion carried 5-0)

8.1 Councilmember Paul indicated that she had some corrections for these minutes and asked that there be a more detailed discussion of the 50 acre rezoning.

Councilmember Starkey made a motion, seconded by Vice-Mayor Clark, to table until December 18, 2002. In a voice vote, all voted in favor. (Motions carried, 5-0)

8.4 Councilmember Paul wanted to be sure that products were not going to be sold from the home. Mr. Kutney assured her this was not the case.

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

8.5 Councilmember Paul was concerned that a "Snap On Tools" truck would be parked at this residence. Mr. Kutney indicated he would have staff discuss this with the petitioner.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to table until December 18, 2002. In a voice vote, all voted in favor. (Motion carried 5-0)

8.14 Councilmember Paul indicated that a substantial change had been made from the original plat that was approved by Council. She wanted to have a meeting with the residents of Ivanhoe and Southwest Ranches to assure them it would not be a problem as far as the activity surrounding a car dealership.

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Bill Laystrom representing the petitioner, indicated that he would offer to pull the plat application by the County if this was approved by Council and agreed to meet with residents. He explained how the site was laid out and how concerns would be easily alleviated.

Councilmember Paul had concerns with committing prior to speaking with residents. Mr. Kutney indicated that Mr. Laystrom's promise to pull the plat would be suitable.

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

8.15 Councilmember Paul expressed her concern that the Town would be removing taxable land from the tax rolls. She also had concerns about traffic trips.

Joe Hanley, representing the petitioner, indicated that the number of trips would have minimal impact of traffic.

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

**9. PUBLIC HEARING**

*Ordinance - Second and Final Reading*

9.1. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT) 02-2, AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF DAVIE, SECTION 12-32, ENTITLED "TABLE OF PERMITTED USES"; REVISING THE CATEGORY OF RESIDENTIAL/OFFICE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

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

Councilmember Starkey requested that in the future, Code sections that were referenced in an ordinance be provided in the backup for Council.

Councilmember Starkey 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)

*Items to be Tabled*

9.2. **PETITIONER REQUESTING A TABLING JANUARY 2, 2003**  
ZB 2-1-02, Voight/Hanmi Baptist Church, 2150 Flamingo Road (tabled from November 6, 2002)

This item was tabled earlier in the meeting.

9.3. **PETITIONER REQUESTING A TABLING TO JANUARY 2, 2003**  
V 2-1-02, Voight/Hanmi Baptist Church, 2150 Flamingo Road (tabled from November 6, 2002)

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This item was tabled earlier in the meeting.

**10. APPOINTMENTS**

10.1. Parks and Recreation Advisory Board Agency (one exclusive appointment - Vice-Mayor Clark and 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)

No appointments were made.

10.2. Child Safety Board (one exclusive appointment - Councilmembers Paul and 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 Paul appointed Lynn Waters. Councilmember Starkey deferred her appointment.

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

No appointments were made.

10.4. School Advisory Board (one exclusive appointment - Vice-Mayor Clark; term expires April 2004) (insofar as possible, members shall have experience in educational matters, related occupations or other similar skills)

No appointment was made.

**11. OLD BUSINESS**

11.1. Code of Ethics (Councilmember Truex)

Vice-Mayor Clark opined that the Town should leave things "as is." She referred to comments made by Ms. Russell that ethics affected her campaign. She felt that such a code would be abused by those who were not ethically correct. Vice-Mayor Clark also indicated that there were codes in place through the County and the State that also applied to the Town.

Councilmember Starkey reiterated her comments from the November 20th Council meeting and felt that a code would show that the Town was progressing.

Mayor Venis asked for direction from Council on whether this issue should be pursued. Councilmember Starkey and Councilmember Truex voted to approve. Mayor Venis, Vice-Mayor Clark, and Councilmember Paul voted to deny.

**12. NEW BUSINESS**

12.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 89-1 BY CHANGING EXHIBIT C ATTACHED THERETO TO PROVIDE FOR AN AMENDMENT TO THE USE RESTRICTION ASSOCIATED WITH THE ORIGINAL REZONING APPROVAL; PROVIDING FOR

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SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Young World Plat, 3700 University Drive)

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.

John Santulli, Associate Vice-President of Nova Southeastern University, explained the nature of the request.

Mayor Venis closed public hearing. He announced that the second reading for this ordinance would be held at the December 18, 2002 Council meeting.

Mr. Kiar indicated that he and Mr. Kutney had traffic concerns for this area. The second amendment indicated that "those particular restrictions would remain in full force and affect." Mr. Santulli confirmed Mr. Kiar's comments.

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)

**12.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF SUNRISE, FLORIDA, REGARDING THE WATER AND SEWER LINE RENEWAL AND REPLACEMENT PROJECT FOR THE PARK CITY AREA.**

Town Clerk Muniz read the resolution by title.

Barbara Tilly felt that Council should approve this resolution as it would allow the replacement of old and corroded lines in Park City.

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

Mayor Venis spoke of the charity wrestling event on December 14th that he was participating in to assist The Starting Place.

Mayor Venis congratulated Commissioner Wayne Arnold for his appointment as Chair of the Central Broward Water Control District.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 9:20 p.m.

Approved \_\_\_\_\_

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

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

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