

**TOWN OF DAVIE
REGULAR MEETING
APRIL 15, 2003
6:30 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:37 p.m. and was followed by the Pledge of Allegiance which was lead by Boy Scouts Cary Black and William Elmore.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Starkey, Councilmembers Hubert and Paul. Also present were Town Administrator Willi, Town Attorney Kiar, and Assistant Town Clerk Barbara McDaniel recording the meeting.

3. PRESENTATIONS (6:30 p.m. to 7:00 p.m.)

3.1. Voter Systems Technicians - March 11, 2003 Municipal Election

Mayor Truex presented certificates of appreciation to those who assisted with the March 11, 2003 elections.

3.2. National Fair Housing Month (April 2003)

Ms. Taylor-Prakelt spoke of the history of this event. She presented Kelsey Harlow, from HUD/FHEO, with a proclamation for Fair Housing Month. Ms. Taylor-Prakelt introduced Bill Thompson, Executive Director of HOPE Outreach and presented him with a proclamation for Fair Housing Month.

Both Ms. Kelsey and Mr. Thompson thanked Council and praised the partnership with the Town. Mr. Thompson commended Ms. Taylor-Prakelt for her dedication and service.

3.3. National Community Development Week (April 21-27, 2003)

Community Housing and Development Director Shirley Taylor-Prakelt spoke of the history of this event. She introduced her staff and thanked them for their dedication and service to the department and to the community. Ms. Taylor-Prakelt thanked Council for their support and Mr. Willi and Assistant Town Administrator Ken Cohen for their assistance with the budget.

Ms. Taylor-Prakelt introduced Orlando Laurea, HUD Field Office Director and thanked him for his assistance. Mr. Laurea commended the partnership between HUD and the Town.

Mayor Truex advised that item 5.9 was requested to be tabled until June 18, 2003.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table. In a voice vote, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that item 7.5 was requested to be tabled until May 21, 2003.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table. In a voice vote, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that items 7.6, was requested to be tabled until May 7, 2003.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to table. In a voice vote, all voted in favor. (Motion carried 4-0)

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Mayor Truex advised that items 7.7 and 7.8 were requested to be tabled until May 7, 2003.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table. In a voice vote, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that items 5.6 and 5.7 were requested to be added.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to add items 5.6 and 5.7. In a voice vote, all voted in favor. (Motion carried 4-0)

4. APPOINTMENT OF DISTRICT 2 COUNCILMEMBER (term expires March 2004)

Councilmember Hubert advised that she had spoken with Rick Von Minden and John Stevens. She indicated that this was a difficult decision to make as all candidates were worthy. Mayor Truex agreed that all three candidates were excellent choices.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to accept Mr. Crowley.

Vice-Mayor Starkey stated that Council would be lucky to have any of the three candidates. She had a preference for Mr. Von Minden because she felt that he could help with bond issues because of his background knowledge with financial issues. Vice-Mayor Starkey indicated that she had spoken with Mr. Stevens and his wife.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - no; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 3-1)

Mayor Truex called for a recess at 7:05 p.m. and the meeting reconvened at 7:11 p.m.

Mayor Truex administered the oath to Mr. Crowley.

5. APPROVAL OF CONSENT AGENDA

Minutes

5.1. March 5, 2003 - Regular Meeting

Proclamations

5.2. Adult and Senior Recreation Volunteer Recognition Day (May 2, 2003)

5.3. Civility Month (May 2003)

5.4. Elder Law Month (May 2003)

Parade Permit

5.5. Scoutmaster's Camporee Committee (May 26, 2003)

Home Occupational Licenses

5.6. A-1 Boat Transport, Inc., 14251 SW 29 Court

5.7. Roland Jones Enterprises, Inc., 11601 SW 26 Court

5.8. Tony's Water, 14551 SW 24 Street

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Resolutions

- 5.9. **PLAN/STRATEGY** - A RESOLUTION OF THE TOWN OF DAVIE, AMENDING AND RESTATING THE TOWN'S AFFORDABLE HOUSING INCENTIVE PLAN A/K/A AFFORDABLE HOUSING INCENTIVE STRATEGY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled from March 5, 2003)
- R-2003-95 5.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA: AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA AND THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from April 2, 2003)
- R-2003-96 5.11. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$150,000 GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION, YEAR 2003 TRANSPORTATION ENHANCEMENT PROGRAM, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION (WITH \$150,000 IN MATCHING FUNDS).
- R-2003-97 5.12. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO PARTICIPATE IN THE BULLETPROOF VEST PARTNERSHIP PROGRAM GRANT, OFFERED BY THE DEPARTMENT OF JUSTICE. (Town's match - \$13,800)
- R-2003-98 5.13. **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS FOR THE PURCHASE OF DIVE EQUIPMENT FOR FOUR NEW DAVIE POLICE DIVE TEAM MEMBERS, NOT TO EXCEED THE AMOUNT OF \$8,500.00. (Divers Cove)
- R-2003-99 5.14. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE SUBMISSION OF A JOINT APPLICATION WITH THE TOWN OF SOUTHWEST RANCHES FOR FUNDING FROM THE YEAR 2003 TRANSPORTATION ENHANCEMENT PROGRAM OPERATED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A MULTIPURPOSE BRIDGE CROSSING OF THE C-11 CANAL, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND IMPLEMENTATION AND PROVIDING AN EFFECTIVE DATE.

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- 5.15. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-100 AUTHORIZING THE APPLICATION FOR A \$ 350,000 GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) YEAR 2003 TRANSPORTATION ENHANCEMENT PROGRAM (TEA-21) AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION. (no matching funds required)
- 5.16. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-101 AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR GRANT FUNDING UNDER THE DAVIE CHILD PASSENGER SAFETY SEAT PROGRAM, A PROGRAM ADMINISTERED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION. (\$15,525.21 reimbursement)
- 5.17. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2003-102 THE BID AWARDED BY THE CITY OF JACKSONVILLE FOR THERMAL IMAGE DEVICES, BID NO. SC-0525-02. (Axis Fire Supply, Inc. - \$61,926)
- 5.18. **LAND PRESERVATION BOND PROGRAM** - A RESOLUTION OF THE
R-2003-103 TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO PRIORITIZE AND SUBMIT THE APPLICATION FOR PHASE V OF THE FUNDING CYCLE OF THE BROWARD COUNTY LAND PRESERVATION BOND PROGRAM.
- 5.19. **PAY GRADE REVISION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-104 FLORIDA, ADOPTING THE revision OF THE rate of pay in GRADE 904 for seasonal laborer (currently \$6.75) TO reflect a progressive range of pay in five percent (5%) increments to (\$6.75 - \$9.05) IN THE NON-CLASSIFIED (PART-TIME, SEASONAL OR TEMPORARY) PAY AND CLASSIFICATION PLAN.
- 5.20. **INTENT TO ISSUE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-105 INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF THE ACQUISITION OF CONSTRUCTING AND FURNISHING FIRE RESCUE FACILITIES AND THE PROCUREMENT OF APPARATUS, EQUIPMENT AND TECHNOLOGY, INCLUDING THE IMPROVEMENT OF EMERGENCY MANAGEMENT AND TERRORISM PREPAREDNESS 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.

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- 5.21. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "MAIN STREET PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 3-2-03, Main Street Plat, 5501 South University Drive)
R-2003-106
- 5.22. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "HERITAGE BUILDING" PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 3-4-03, Heritage Building Plat, 5220 Davie Road)
R-2003-107
- 5.23. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND R & R DAVIE, L.L.C. FOR THE INSTALLATION OF REQUIRED IMPROVEMENTS AGREEMENT RELATING TO THE POINTE WEST CENTER NORTH PLAT; PROVIDING FOR THE CONSTRUCTION OF CERTAIN ROAD IMPROVEMENTS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 3-3-03, Pointe West Center North Plat, 3450-3550 Weston Road)
R-2003-108
- 5.24. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND R & R DAVIE, L.L.C. FOR THE TRAFFIC SIGNALIZATION AGREEMENT RELATING TO THE POINTE WEST CENTER NORTH PLAT; PROVIDING FOR THE INSTALLATION OF A TRAFFIC SIGNAL; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 3-4-03, Pointe West Center North Plat, 3450-3550 Weston Road)
R-2003-109

Temporary Use Permit

5.25. TU 2-3-03, Young at Art, 11584 West State Road 84

Vice-Mayor Starkey asked that item 5.1 be removed from the Consent Agenda and requested a verbatim transcript of item 9.4 for the benefit of Councilmembers Crowley and Hubert. Vice-Mayor Starkey asked that items 5.10 and 5.18 be removed. Mayor Truex asked that item 5.7 be removed.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey to approve the Consent Agenda without items 5.1, 5.7, 5.10 and 5.18. In a voice vote, all voted in favor. (Motion carried 5-0)

6. DISCUSSION OF CONSENT AGENDA ITEMS

5.1 Vice-Mayor Starkey requested a verbatim transcript of item 9.4. Mayor Truex advised that this could be heard on the network and it might not be necessary to transcribe.

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Councilmember Paul agreed and felt that verbatim transcribing was time consuming and would include unnecessary information.

Vice-Mayor Starkey made a motion, seconded by Mayor Truex, to have item 9.4 transcribed verbatim. In a voice vote, all voted in favor. (Motion carried 5-0)

5.10 Vice-Mayor Starkey indicated there were concerns if this agreement would hamper the municipalities' authority, but the issue was resolved with the other municipalities and Mr. Kiar agreed the final draft was acceptable. She clarified that the School Board would organize workshop meetings.

Mr. Kiar stated there were a number of concerns, but they were resolved. He indicated that he was still concerned with the selection process of the oversight committee where the cities were to be chosen alphabetically. Mr. Kiar stated this had changed and the cities would create the committee. He hoped to add some means set forth in the agreement so that a greater selection process could be specified.

Alan Gabriel, representing the Broward County School Board, indicated that the agreement was a requirement of a Senate bill, where the burden was put on cities, the counties, and the school boards to enter into an interlocal agreement by May 1, 2003. He referred to the oversight process and explained the change for selecting the committees. Mr. Gabriel stated that cities were being asked to approve the agreement as presented because of time constraints and to make changes in the form of amendments. He indicated that at this time, the League of Cities was not participating in this process.

Vice-Mayor Starkey asked if this agreement would prohibit any other municipality from developing an interlocal agreement with the School Board that went "beyond the constraints of this legislation." Mr. Gabriel reported that the School Board already had many interlocal agreements in place. He felt there were some benefits, but it also was a burden. Vice-Mayor Starkey felt the legislation did not go far enough with coordinating school planning. Mr. Gabriel indicated that DCA recognized that changes might be made later through amendments.

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

5.7 Mayor Truex indicated that he meant to pull 5.17 rather than 5.7.

Mayor Truex made a motion, seconded by Vice-Mayor Starkey, to reconsider pulling item 5.7. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex made a motion, seconded by Vice-Mayor Starkey, to approve item 5.7. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to remove item 5.17. In a voice vote, all voted in favor. (Motion carried 5-0)

5.17 Mayor Truex indicated that he pulled this item because it was a "sole source." He stated that normally he did not approve of piggyback bids, but in this case he was in favor of it.

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

5.18 Vice-Mayor Starkey indicated there was limited backup for Council regarding this item and requested that a workshop be scheduled. She realized this was a time-sensitive matter, but the Town could make the land preservation committee aware that a resolution was forthcoming the first week in May. Vice-Mayor Starkey offered to take the new resolution to the land preservation committee once it was approved by Council.

Councilmember Paul indicated that the proposed properties had been discussed previously and it was difficult to get a workshop organized. She hoped that the new Councilmembers respected the previous work of staff. Councilmember Paul was also concerned with time constraints.

Mr. Willi indicated that the application deadline was May 1st and advised that municipalities should have already picked out properties which had to be submitted prioritized. He stated that the Town was seeking reimbursement on property located on SW 71 Terrace so that the Town would have the funding to purchase other properties, rather than waiting for Broward County's process.

Vice-Mayor Starkey spoke of conversations with Broward County Commissioner John Rodstrom who might have additional funds available for the property Mr. Willi mentioned. She reiterated that her concerns were with the process and the lack of backup. Vice-Mayor Starkey mentioned the Sundance property being on the priority list and felt the Sunnyslakes property was important to discuss, although it was costly.

Mayor Truex asked if there would be another cycle to the process. Mr. Willi indicated that the funding would continue until all funds were expended. The Town had already received \$2 million and might receive an additional \$2 million during this cycle. Mr. Willi explained the process by which the land preservation committee approved properties and stated that it was a time consuming practice. He stated that properties could no longer be available once the committee approved them. Also, there was a large amount of paperwork attached to submitting a property.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve.

Vice-Mayor Starkey asked if this resolution could be amended to include parcels from priority one and three. She again asked for a workshop. Councilmember Paul stated that the Sunnyslakes property was already discussed by Council. Vice-Mayor Starkey was in favor of approving the first two properties and having a workshop on a third parcel.

Councilmember Paul referred to development in the area and felt this was an ideal location for an open space property.

Vice-Mayor Starkey asked how large the property was. Barry Lethridge, representing the property owner, indicated that the property was 16.75 acres. He distributed a drawing that showed the whole parcel. Vice-Mayor Starkey asked how much of the property was "wet." Mr. Lethridge explained the history of the property and stated that the Central Broward Water Control District had changed its criteria. He stated that 14 acres were for sale for \$2 million and of the 14 acres, 10 acres were a lake.

Vice-Mayor Starkey spoke of the possibility of the Florida Turnpike being expanded from Griffin Road north. Mr. Lethridge indicated that this would not have any impact on this

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property. He also indicated that they were in the process of procuring permits to fill part of the lake.

Councilmember Paul felt that this was a good opportunity for District 1 because of the concerns with flooding. She was opposed to filling in the lake. Mr. Lethridge indicated that the owner was now willing to sell a portion of the property.

Vice-Mayor Starkey asked if the price was contingent on the permit to fill. She indicated that if not, the value would be less. Mr. Lethridge indicated that the property would be appraised and then there would be negotiations.

Councilmember Crowley was familiar with the three sites and he was in support of preserving the property.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

7. PUBLIC HEARING

Ordinances - First Reading (Second and Final Reading to be held May 7, 2003)

7.1. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32(B), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, MOTORCYCLE SHOPS AND MOVERS; AND AMENDING SECTION 12-32(C), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, BOAT SALES, BOAT RENTAL, MOBILE HOMES, MANUFACTURED HOUSING, RECREATIONAL VEHICLE SALES, HORSE TRAILER AND MOVING TRAILER RENTAL, MOVERS, AND TAXI SERVICE ESTABLISHMENTS; AND AMENDING SECTION 12-34, ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED REGULATIONS REGARDING THE SITING OF SUCH USES; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF VEHICLE SALES AND RENTAL; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE. (tabled from March 24, 2003)

Assistant Town Clerk McDaniel read the ordinance by title. Mayor Truex advised that a public hearing would be held on May 7, 2003,

Mayor Truex opened the public hearing portion of the meeting.

Rick Case asked that Council consider BP, Section 3, Item 7, as it related to the distance from one motorcycle shop to another. He asked that the 1,000-foot separation apply only to where the motorcycle dealerships were near residential areas.

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Mayor Truex asked Mr. Case if he meant there should be less than 1,000 or no separation at all. Mr. Case clarified that he felt there should be no separation if it was not in a residential area.

Councilmember Paul advised that she had spoken with Mr. Case, whose concern was for further work on his property. She stated that any change would apply townwide and she wanted to make sure all protections were in place. Councilmember Paul indicated that Mr. Case could apply for a variance if a hardship was found.

Planner Marcie Nolan explained that a combination of uses with motorcycle shops could be loud. She stated that Mr. Case's solution was unique and satisfied staff's concern and allowed uses in appropriate areas. Ms. Nolan clarified that item 7 meant "1,000 linear feet from another motorcycle shop when within 1,000 feet of any residential district."

Councilmember Paul asked how this would affect item 8. Ms. Nolan stated that most BP zonings were not near residential areas. She offered to make an amendment for the next meeting, which included "when within 1,000 feet of any residential district."

Councilmember Paul had concerns there were too many asterisks on the chart with no explanations. She asked about M-1, M-2, and M-3 being permitted without special permits and questioned if the asterisks under M-1 and M-2 should be "P" instead. Ms. Nolan indicated the asterisks referenced special conditions in Section 12-34 of the Town's Code. Councilmember Paul indicated the asterisks in the Code had different definitions. She felt the Code should be modified to be user-friendly.

Development Services Director Mark Kutney indicated that staff was considering a housekeeping amendment and giving the asterisk another type of designation.

Councilmember Paul was concerned with UC/B3, where it referred to vehicle sales and rental. She stated that this was not supposed to be permitted under UC and asked if the asterisk meant there was a special condition. Ms. Nolan replied affirmatively.

Vice-Mayor Starkey believed in the past some of "it" was changed to SP to make it a special use permit. She thought this should be considered.

Mayor Truex indicated the Planning and Zoning Board wanted to eliminate the motorcycle use from B-3 altogether. He referred to the Board's recommendations and stated that he did not agree with some of the suggestions.

Ms. Nolan read the suggestions of the Board and listed those suggestions incorporated into the Code and those that staff did not agree with. She indicated that these included "three to five acres for a dealership and motorcycle shops prohibited in B-3."

Mayor Truex closed the public hearing.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve with additional language in number 7 - "when within 1,000 feet of any residential district."

Councilmember Hubert asked if this affected existing shops. Council explained that this affected any change for existing shops.

In a roll call vote, the vote was as follows: Mayor Truex, yes; Vice-Mayor Starkey, yes; Councilmember Crowley, yes; Councilmember Hubert, yes; Councilmember Paul, yes. (Motion carried 5-0)

7.2. CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CREATING, SECTION 16-7, ENTITLED "SMOKING IN

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DESIGNATED AREAS PROHIBITED"; PROHIBITING SMOKING AT SPECIFIED LOCATIONS ON TOWN PROPERTY; ESTABLISHING PROCEDURES REGARDING CIVIL INFRACTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Assistant Town Clerk McDaniel read the ordinance by title. Mayor Truex advised that a public hearing would be held on May 7, 2003,

Mayor Truex opened the public hearing portion of the meeting.

Jim Futch, 2702 East Orchard Circle, discussed a recent event of a chain smoker at the Pine Island Park. He asked Council to approve this ordinance for the health and welfare of the community.

Mayor Truex closed the public hearing.

Vice-Mayor Starkey thanked Mr. Kiar and Town counsel Andre Park for preparing the ordinance. She emphasized that smoking would be allowed in designated areas. Vice-Mayor Starkey stated only upon non-compliance of warning, would a minimal fine come into play. She reported that other municipalities indicated no problems as long as the park was properly noticed and marked with signs.

Councilmember Paul indicated that Council had discussed this before, but had not moved forward because Police Chief John George had said enforcing this ordinance would be difficult. She asked if it was possible to post signs based on a policy statement by Council to encourage no smoking in areas where children and adults gathered prior to passing the ordinance. Councilmember Paul questioned the enforceability of this ordinance.

Assistant Chief of Police Robert McDaniel indicated that he would defer to Chief George, but thought it would be enforceable if done by ordinance. He felt this might not be a positive public relations situation for the police to be involved because smoking residents might feel their rights were being violated. Assistant Chief McDaniel added that residents might feel there were more "difficult" situations that needed to be handled by the police.

Councilmember Paul asked if a police officer would be stationed on site. Assistant Chief McDaniel responded that a police officer would be summoned to the scene for non-compliance.

Councilmember Hubert felt smokers would not have a problem using designated areas.

Councilmember Crowley was glad to see this ordinance move forward. He felt proper signage would help with enforcement.

Mayor Truex asked Mr. Kiar how he determined the \$25 fine. Mr. Kiar indicated that the fine could be raised. Mayor Truex felt the ordinance should be harsher and requested that sign posting be included in the ordinance. He added that the fine should be \$100.

Councilmember Paul recommended cigarette receptacles be placed in designated areas.

Vice-Mayor Starkey advised that Parks and Recreation Department Director Dennis Andresky had researched other cities and that was how the \$25 fine was established. Mr. Andresky stated Coral Springs and the City of Sunrise both had similar fines.

Vice-Mayor Starkey agreed with Councilmember Hubert. She also agreed the signage should be included in the ordinance.

Mayor Truex asked Mr. Kiar if adding the "signage" language would make the ordinance easier to enforce. Mr. Kiar stated the signage could be added to the ordinance.

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There was discussion regarding where smoking could take place. Councilmember Hubert suggested designating smoking to the parking lot only. Vice-Mayor Starkey agreed with Councilmember Hubert. She recommended putting a bench and ashtray in the smoking area.

Mayor Truex felt smoking should be prohibited only where it was outlawed, as specified in the ordinance and to be posted. Councilmember Paul agreed. Councilmember Crowley felt smoking should only be allowed in parking lots.

Councilmember Hubert made a motion, seconded by Vice-Mayor Starkey, to approve "smoking in the parking lot only with a place to put the cigarette butt receptacle and if you could put a bench, that's fine."

Mr. Andresky stated that the parking lots were large and reminded Council to consider the number of receptacles.

Councilmember Paul reiterated she was concerned about the enforcement. She also questioned whom "Town official" referred to. She did not want to put Town staff in an awkward position. Mr. Kiar clarified that "Town official" referred to someone who worked for the Town.

Mr. Andresky referred to conversations with Coral Springs staff who said there were problems the first year, but since they had educated residents through the sports program, the tensions had been alleviated and there was a decrease in non-compliance.

In a roll call vote, the vote was as follows: Mayor Truex, yes; Vice-Mayor Starkey, yes; Councilmember Crowley, yes; Councilmember Hubert, yes; Councilmember Paul, yes. (Motion carried 5-0)

Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held May 7, 2003)

7.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-3-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4, LIMITED HEAVY INDUSTRIAL DISTRICT (HACIENDA VILLAGE) TO M-3, PLANNED INDUSTRIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-3-03, Park Real Estate Partners) *Planning and Zoning Board recommended approval*

Assistant Town Clerk McDaniel read the ordinance by title. Mayor Truex advised that a public hearing would be held on May 7, 2003.

Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Kutney indicated the application was on file with the Town Clerk's Office and summarized the report.

Roseanna Cordova, representing the petitioner, agreed with staff's comments and asked Council for approval.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

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Councilmember Hubert asked what was going to be built on the property. Ms. Cordova indicated that the petitioner did not want to tear down the existing building at this time, but whatever was done with the property would go through the site plan process.

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

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Quasi Judicial Item

7.4. **VARIANCE** - V 1-2-03, Davie Nissan-Volvo/Hooley, Jr., 3650 Weston Road (BP) (to reduce the minimum separation between freestanding signs visible from a public street right-of-way from 200 feet to 60 feet) *Planning and Zoning Board recommended approval*

Mr. Kiar stated that the same rules of evidence applied and swore in the witnesses.

Ms. Nolan indicated the application was on file with the Town Clerk's Office and summarized the planning report.

Michael Hooley, the petitioner, offered into evidence pictures depicting the site in question. He explained why this variance was necessary.

Mayor Truex asked if the sign was otherwise in compliance with Town Code. Mr. Hooley replied affirmatively.

Vice-Mayor Starkey disclosed she had spoken with Mr. Mele some months ago and asked if this was considered when it originally came up at Site Plan. Kurt Zimmerman, representing the petitioner, indicated nothing was displayed on site at the time of Site Plan.

Mr. Hooley stated there was brief discussion at the original Site Plan hearing. Ms. Nolan stated signs typically were not part of the site plan approval process.

Councilmember Paul asked if putting the sign closer would clutter the area. She felt staff did not feel there was a hardship except for the location of the bridge. Ms. Nolan stated that staff recognized that the bridge created an obstacle.

Councilmember Paul asked what the Planning and Zoning Board felt the hardship was. Ms. Nolan stated they felt the bridge was a hardship and there was very little discussion. Councilmember Paul was concerned that I-75 would be ridden with signs. Mr. Hooley stated his sign was considerably smaller than Rick Case's sign. Discussion followed about options for the distance between signs.

Councilmember Hubert asked if a combination sign could be erected. Mr. Hooley replied that this could not be done because there were two manufacturers.

Councilmember Crowley recognized the hardship of this case and suggested a compromise by separating the signs a little more. He asked if any other signs would be blocked. Mr. Hooley replied negatively and agreed to more separation if the variance could be amended.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul wanted to amend the variance so the signs were 100 feet apart rather than 60. Mr. Hooley requested 80 to 100 feet.

Mr. Kiar asked if Mr. Hooley would stipulate to 100 feet separation. Mr. Hooley indicated in the affirmative.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve with the sign at 100 feet instead of 60 feet. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

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Items to be tabled

7.5. STAFF REQUESTING A TABLING TO MAY 21, 2003

ADOPTION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LA 02-1B AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT (ICE) AS REQUIRED BY FLORIDA STATE STATUTE CHAPTER 163.3177; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from March 24, 2003)

7.6. STAFF REQUESTING A TABLING TO MAY 7, 2003

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from February 19, 2003)

This item was tabled earlier in the meeting.

7.7. STAFF REQUESTING A TABLING TO MAY 7, 2003

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO A-1, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-1-03, MG Developers, Inc./Florida Fresh Herbs, Inc., 1401 Flamingo Road) (tabled from April 2, 2003) *Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

7.8. STAFF REQUESTING A TABLING TO MAY 7, 2003

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 (COUNTY), AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-1-03, Town of Davie, 8100 Stirling Road) (tabled from March 5, 2003) *Planning and Zoning Board recommended denial with the recommendation of rezoning to the least intensive commercial zoning to retain more control over the uses as there was not a conceptual site plan presented with the rezoning request*

This item was tabled earlier in the meeting.

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8. APPOINTMENTS

8.1. Child Safety Board (one exclusive appointment - Vice-Mayor 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)

Appointment was deferred.

8.2. Community Relations Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004)

Appointment was deferred.

8.3. Community Redevelopment Agency (one exclusive appointment - Mayor Truex; term expires April 2004) (member shall either reside or engage in business within the jurisdiction of the Town)

Mayor Truex appointed Mike Engle.

8.4. Davie Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (insofar as possible, one member shall be a licensed engineer)

Appointment was deferred.

8.5. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; terms expire April 2004)

Appointments were deferred.

8.6. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember Hubert; term expires 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 Hubert appointed Jim Futch.

8.7. Planning and Zoning Board/Local Planning Agency (one exclusive nomination per Councilmember - must be a resident and qualified voter; nominations require approval by Council) (term May 28, 2003 to May 25, 2004)

Vice-Mayor Starkey reappointed Mimi Turin. Councilmember Paul reappointed Mike Bender.

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

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

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- 8.8. School Advisory Board (two exclusive appointments - Councilmember Hubert; one exclusive appointment - Councilmember Paul; terms expire April 2004) (insofar as possible, members shall have experience in educational matters, related occupations or other similar skills)

Councilmember Hubert appointed Barry Mowell. Councilmember Paul appointed Rebecca Orlando.

- 8.9. Unsafe Structures Board (non-exclusive appointments; appointment of Plumbing Contractor, Engineer, Realtor, and General Building Contractor) (terms expire April 2006)

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to appoint Dan Lavrich, as the engineer and Robin Massa, as the real estate agent. In a voice vote, all voted in favor. (Motion carried 5-0)

9. OLD BUSINESS

- 9.1. Agricultural Zoning Designation from Broward County Property Appraiser's Office (continued from April 2, 2003)

Ron Gunzburger, representing the Broward County Property Appraiser's Office, referred to the revised resolution and suggested to Council that the resolution be tabled because a motion for rehearing had been filed by the Property Appraiser's Office. He stated that based on typical actions or rulings by the Court of Appeals, the chances of the case being reheard were slim. Mr. Gunzburger indicated that the Property Appraiser's Office did not plan to appeal to the Florida Supreme Court. Therefore, the ten properties in question would be granted the agricultural exemption and this would be a moot issue.

Mayor Truex asked what years were affected by the Court ruling. Mr. Gunzburger stated 1998. Mayor Truex asked if any other years would be pursued. Mr. Gunzburger clarified that the ruling would apply to all subsequent years.

Councilmember Paul suggested that the Property Appraiser's Office drop the suit to show good faith. Mr. Gunzburger indicated that the Office was seeking dispositive ruling. He stated the law would be carried out as intended.

Arthur Hurley had reservations regarding Mr. Gunzburger's comments. He reported that the Property Appraiser's Office had already filed suit for 2000 and 2001 on technical issues. Mr. Hurley stated that if Mr. Gunzburger would assure the Property Appraiser's Office would only proceed with technical issues, he would be amenable to tabling this issue.

Mr. Gunzburger confirmed that Property Appraiser William Markham had stated this case would "bind their hands."

Councilmember Paul stated that the Town had fought for many years and with a great deal of effort to maintain the agricultural designation. She advised that the only agriculture in Broward County was horse boarding and horticulture and spoke of the frustrations of agrarians in the community. Councilmember Paul was amenable to tabling as long as farmers agreed. She suggested an official letter indicating what transpired during this conversation.

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Mr. Kiar asked Mr. Gunzburger if he had spoken on behalf of Mr. Markham and with full authority from Mr. Markham. Mr. Gunzburger indicated that his comments were approved by Mr. Markham.

Town Administrator Willi agreed with Councilmember Paul and felt an official letter was called for, with language regarding the tabling of this item indefinitely.

Vice-Mayor Starkey advised that tabling would make this a time-certain issue. Mayor Truex recommended withdrawing the resolution, as it could be brought back at any time. He requested a letter be prepared for his signature, which should first be circulated to Council. Vice-Mayor Starkey suggested having Mr. Kiar write a letter that all Councilmembers could sign, as it would bring a stronger message. Councilmember Paul felt Town Administrator Willi had the ability to write the letter for the Mayor's signature. Mayor Truex agreed.

Mr. Gunzburger spoke of other agricultural lands within the Town and offered assistance from the Property Appraiser's Office in the future.

Council agreed to withdraw the resolution.

10. NEW BUSINESS

There was no new business to discuss.

**11. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER HUBERT**

PALMA NOVA. Councilmember Hubert spoke of helping residents in the Palma Nova community and funding that was going to be provided for the project. She stated that the medically needy and elderly would be helped first and then children would be given necessary shots. Councilmember Hubert indicated that the Boys and Girls Club was going to waive the fee for children for the summer program. She advised that donations for this project could be donated to the HOPE Outreach.

COUNCILMEMBER CROWLEY

THANK YOU. Councilmember Crowley thanked Council for appointing him. He also thanked the Water Control District and Vince Feletta for their support.

VICE-MAYOR STARKEY

PANTHER'S HOUSE PARTY. Vice-Mayor Starkey spoke of the event held at Davie Junction and reported that \$6,600 was raised for Habitat for Humanity. She also thanked Buck Wild and Tina for supporting this event.

UNITED WAY. Vice-Mayor Starkey thanked United Way for assisting with tax deferred income credits. She reported that 3,000 books were donated to the Town for targeted areas and explained that the books were for middle and high school students. Vice-Mayor Starkey encouraged calls from anyone who wanted to volunteer to help distribute the books.

SENATOR GELLER. Vice-Mayor Starkey indicated that Senator Geller was sponsoring Senate Bill 113 and House Bill 1164, which would give property owners the full amount guaranteed by lawsuits against governments, which included land use changes. She felt this was in conflict with the Town's goal to preserve open space and recommended that Council not support this

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legislation and draft a resolution opposing such action. Mayor Truex indicated he was going to address this in his comments.

FUNDRAISER. Vice-Mayor Starkey reported that the Police/Fire Memorial Fund was underway and funds were being raised to erect a statue. The goal was \$150,000 between the Police and Fire departments and herself. Anyone interested should contact her at Town Hall.

COUNCILMEMBER PAUL

CONGRATULATIONS. Councilmember Paul congratulated Councilmember Crowley on his appointment to Council.

136TH AVENUE. Councilmember Paul referred to a meeting with Public Works/Capital Projects Director Bruce Bernard regarding the 136 Avenue change in the roadway. She reminded that residents had concerns with the line of sight at SW 26 Street and 136 Avenue. Councilmember Paul wanted to know if Mr. Bernard had addressed this and asked Mr. Willi to follow-up.

BURROWING OWLS. Councilmember Paul reminded that burrowing owl nesting season was in progress and it was illegal to disturb or touch the nests in any way.

EASTER EGG HUNT. Councilmember Paul reminded that the Easter Egg Hunt at Robbins Lodge was scheduled for April 19th.

MEMORIAL DAY. Councilmember Paul reminded that the Memorial Day parade was scheduled for May 26, 2003.

MAYOR TRUEX

JULY 4th. Mayor Truex reported that all those who were serving in the Armed Forces were being honored at the July 4th celebration at Pine Island Park.

PETITION. Mayor Truex advised that he had received a petition from customers at the Hess Station on Pine Island Road and Orange Drive, regarding the road closing. He stated that this adversely affected other businesses in the area and requested that this issue be added to the agenda for the next Council meeting.

AMENDMENTS TO BURT HARRIS ACT. Mayor Truex referred to the House and Senate bills Vice-Mayor Starkey mentioned. According to the Town's lobbyist the Senate bill had already passed and the House bill was due within two weeks. Mayor Truex had asked if the Town should compose a resolution and was advised not to because of the time frame. He explained that the Burt Harris Act was to help property owners, but it was going to adversely affect cities. Mayor Truex advised that Pembroke Pines had passed a resolution in opposition. He offered to lobby legislators to oppose this and asked Council for support.

Mayor Truex urged Council to contact legislators individually and stated that Mr. Sigerson was going to draft a letter.

Mayor Truex invited Redevelopment Administrator Will Allen to discuss an item related to Community Redevelopment Agencies. Mr. Allen indicated that no active bill was currently in place regarding Community Redevelopment Agencies. He stated that Broward County had put together a document, which shows what Community Redevelopment Agencies had done for the cities. He indicated that he wanted to send a pre-empted letter to the legislative delegation and copied to the County Commissioners, who were typically the people who were

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going after the Community Redevelopment Agencies. The letter would represent five communities in the County and would be signed by each of the Mayor.

Council supported this request. Vice-Mayor Starkey suggested the letter also be sent to Governor Bush, the Broward League of Cities, and the Florida League of Cities.

12. TOWN ADMINISTRATOR'S COMMENTS

SENATOR GELLER. Mr. Willi spoke of a bill supported by Senator Geller that had definitions of external and internal enclaves as they related to annexation. He referred to the section that defined internal enclaves and indicated that it would preclude the Town's chances of annexing United Ranches. Mr. Willi reported that lobbyists for the Town had been made aware of this and Senator Geller indicated this was done in the "background because they did not want to be sniped at for the process for the annexation of Broward County." Mr. Willi felt that the only place in the State of Florida that annexation would be limited would be the Town and United Ranches. He clarified that this was introduced by "Constantine", but Senator Geller had been quoted in the newspaper saying "he quietly worked on it in the background."

Vice-Mayor Starkey stated that Senator Geller represented most of the Town and this action was contradictory in his representation of his constituents. Mr. Willi agreed. He reported that a letter was being prepared to address this issue.

ZIMMERMAN PROPERTY. Mr. Willi reported that the administrative rezoning for the 60 acres of Zimmerman property was discussed at the Planning and Zoning Board meeting. He indicated that staff had come across a "possible" procedural defect that they would like to correct. The defect dealt with a waiver granted by Council to allow an application on a property where there had been action by this Council within one year. Mr. Willi spoke of options staff could take and asked Council to grant a waiver for this process that staff could move ahead with the administrative rezoning. Mr. Kutney referred to 12-307(b) and explained how it applied to this issue.

Mr. Kiar concurred with Mr. Willi and Mr. Kutney and recommended that Council give consideration to the request and waive the one year period so that staff could proceed with administrative rezonings.

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

Councilmember Paul asked if the Planning and Zoning Board had made their decision based on policy or on the merits of the application or both. Mr. Kutney indicated that the decision should have been made on the merits of the case. He stated that Mr. Mele brought up due-process issues. He felt that due process influenced the decision of the Board.

Mr. Kiar indicated that staff had made a comprehensive presentation, but Mr. Mele had raised procedural deficiencies and that was why this waiver request was brought forward.

Councilmember Paul asked if the Board could have commented on procedures to staff. Mr. Kutney replied affirmatively and explained that the Board could not give staff assignments, but staff did pass on recommendations. Councilmember Paul wanted to know if there was a way to assist the Board by providing them information in a more timely manner. Mr. Kutney indicated that staff was available to the Board.

13. TOWN ATTORNEY'S COMMENTS

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CONGRATULATIONS. Mr. Kiar congratulated Councilmember Crowley on his appointment to Council.

BURT HARRIS ACT. Mr. Kiar discussed the Burt Harris Act amendment. He reported that his office received a packet and a telephone call from legal counsel of the City of Miami Beach. The attorney he spoke with advised him that quite a few cities in Dade County had already strenuously objected to these proposed amendment, so the Town would not be alone in their objection.

CITRUS CANKER. Mr. Kiar spoke of Citrus Canker and stated that the Supreme Court ruled to hear the appeal later in the year. The Coalition of Cities was surprised that the Supreme Court rejected its motion to reinstate the stay order relative to the cutting down of uninfected citrus trees. The Department of Agriculture had resumed cutting trees in Cape Coral and Orlando, and it was presumed they would be coming south in the near future. Mr. Kiar had spoken with the chief appellate attorney for the County who was looking at all possible options available to the County and to the cities.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 10:09 p.m.

Approved _____

Mayor/Councilmember

Town Clerk