

**TOWN OF DAVIE
REGULAR MEETING
JUNE 4, 2003**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 p.m. and was followed by the Pledge of Allegiance lead by Boy Scouts Cary Black and William Elmore.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Starkey, Councilmember Crowley, Councilmember Hubert, and Councilmember Paul. Also present were Town Administrator Willi, Town Attorney Kiar and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised of the rules of the Open Public Meeting.

Mitch Topal, member of the Airport Advisory Board, spoke regarding the airport expansion. He spoke of Broward County's decision to hire a consultant on this issue. Vice-Mayor Starkey thanked those who served on the Airport Advisory Board and represented the interests of the Town.

Barbara Tilley, 1941 SW 87 Avenue, representing the Park City Homeowners Association, thanked Council and staff for their efforts on the SW 18 Street median. She asked for Council to make a decision as to who would be responsible for maintaining the median.

Pat Rimson, 15150 SW 47 Street, spoke about drainage issues in her community because of development in the area. Mayor Truex asked Mr. Willi to update Council on this issue. Councilmember Paul indicated that this had been a concern for some time and urged staff to research the problem.

Al Banani spoke against the Sheridan House issue.

Mayor Truex asked if Council was amenable to voting on this issue during this meeting.

Vice-Mayor Starkey spoke of the lack of notification given to the Old Bridge Run community and indicated that the developer was willing to meet with residents on June 14th. She also felt it was important to hear from Development Services Director Mark Kutney and staff regarding the lack of notification. Mr. Kutney reported of the notification and stated that it was done appropriately.

Mayor Truex apologized for not notifying the residents that this item was to be tabled.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table items 6.10 and 6.11 until July 8, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 6.7 was requested to be tabled until August 6, 2003.

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

Mayor Truex asked the petitioner to give a brief explanation as to why the applicant was requesting a tabling.

Bill Laystrom, representing the petitioner, explained that the reason for the tabling was in regard to redesigning access to the property and it was necessary to file a variance with the Florida Department of Transportation.

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Richard Weiner spoke of President Bush's meeting in the Middle East. He also spoke of conflicts between Mr. Willi and Council and stated that he agreed with Mr. Willi as opposed to Mr. Kiar. He wished Mr. Willi the best.

Vice-Mayor Starkey asked Mr. Weiner if he had received the public records request he made. Mr. Weiner replied affirmatively.

Mr. Weiner asked Mr. Kiar if in the event a public official sent out correspondence or e-mails regarding their position from something other than a Town computer, would it be a public record. Attorney Andre Parke replied affirmatively and referred to F.S.S. 119.01.

David Tibbetts indicated that he moved to Davie for the open space. He spoke of the need to preserve open space and indicated that if he saw "things continue to erode" he would run for office to change things.

Linda Baca felt the Town's rural lifestyle was being threatened and she urged Council to not give up any more open space. She also asked if the Town could assist in having the County expedite the spraying for mosquitoes. Mr. Willi indicated he would assist in expediting the mosquito control process.

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. April 15, 2003 - Regular Meeting

4.2. May 14, 2003 - Special Meeting

Home Occupational License

4.3. Pet Trust, Inc., 14140 SW 22 Place

Resolutions

4.4. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**
R-2003-139 AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO ENTER INTO A LEASE AGREEMENT WITH INDIAN RIDGE MIDDLE SCHOOL FOR THE EXTREME TEEN SUMMER HALF DAY PROGRAM FROM JUNE 16, TO AUGUST 25, 2003. (\$6,363.80)

4.5. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2003-140 AUTHORIZING THE APPROVAL OF AN INTERLOCAL AGREEMENT FOR NPDES MS4 PERMIT AND EXECUTION OF PAYMENT FOR \$10,114.

4.6. **LOAN SUBSIDY ASSISTANCE - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2003-141 FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S APPROVAL OF COMMERCIAL LOAN SUBSIDY ASSISTANCE TO DAVIE PROFESSIONAL BUILDING, INC. (4175 Davie Road)

4.7. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2003-142 THE BID FOR BUSHOG MOWING SERVICES. (A Quality Bushog Services - \$25,272/year)

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- 4.8. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2003-143 **THE BIDS FOR FERTILIZER. (lowest bidder for each item)**
- 4.9. **TELECOMMUNICATIONS MASTER PLAN - A RESOLUTION OF THE**
TOWN OF DAVIE, FLORIDA, WHEREBY TOWN COUNCIL DESIRES TO
APPROVE AND ADOPT A WIRELESS TELECOMMUNICATIONS MASTER
PLAN; AND PROVIDING AN EFFECTIVE DATE.
- 4.10. **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A**
R-2003-144 **BOUNDARY PLAT KNOWN AS SUMMIT QUESTA AND AUTHORIZING THE**
MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY
AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH
PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 7-5-02 Summit Questa,
Miller Legg & Associates, Inc./Jedco, Inc., 5451 SW 64 Avenue)
- 4.11. **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2003-145 **AUTHORIZING A REVISION TO THE NON-VEHICULAR ACCESS LINE OF**
THE "CHARLESTON OAKS" PLAT, AND PROVIDING AN EFFECTIVE DATE.
(DG 4-1-03, Charleston Oaks Plat, 14500 SW 26 Street)
- 4.12. **QUIT CLAIM DEED - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2003-146 **AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO EXECUTE**
A QUIT CLAIM DEED FOR 15' OF RIGHT-OF-WAY TO FLORIDA REALTY
REVOCABLE TRUST; AND PROVIDING FOR AN EFFECTIVE DATE. (northeast
corner of SW 20 Street and SW 142 Avenue)
- 4.13. **BILLBOARD CERTIFICATION - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2003-147 **FLORIDA, CERTIFYING THAT THE SITE FOR A PROPOSED BILLBOARD**
AND THE PROPOSED BILLBOARD ARE IN COMPLIANCE WITH THE LAND
DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 238(j)(9), AND
PROVIDING AN EFFECTIVE DATE.

Site Plans

- 4.14. SP 10-7-02, Warren Henry/Regency Square, 4801-4991 SW 148 Avenue (PUD)
(tabled from March 24, 2003) *Site Plan Committee recommended approval with the conditions that the applicant send a letter to the president of the homeowner's association [Chelsea Homeowners' Association] stating the date when this item was to be reviewed by the Town Council; and that the lighting levels on the east side of the buildings be at the lowest possible levels that the Police Department would allow after 9:00 p.m.*
- 4.15. SP 1-3-03, Hobbs Manor Townhomes, 4925 SW 65 Avenue *Site Plan Committee recommended approval subject to staff's recommendations; identify "CO 14" on the landscape plan; and identify the location of both septic tanks*

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4.16. SP 2-5-03, Fleet Maintenance Building, 6911 Orange Drive (CF) *Site Plan Committee recommended approval subject to the planning report*

4.17. SP 3-2-03, Bill Seidle Suzuki, 5355 South University Drive (B-3) *Site Plan Committee recommended approval*

Temporary Use Permits

4.18. TU 5-2-03, Davie Merchants & Industrial Association, Inc., 2700 North University Drive

4.19. TU 5-3-03, Davie Merchants & Industrial Association, Inc., 6770 Stirling Road

4.20. TU 5-4-03, International Tool Corporation, 2590 Davie Road

Councilmember Paul requested that items 4.11 and 4.13 be removed from the Consent Agenda. Mayor Truex requested that items 4.4, 4.9, and 4.15 be removed. Mr. Kiar requested that item 4.12 be removed.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 4.4, 4.9, 4.11, 4.12, 4.13, and 4.15. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Starkey made a motion, seconded by Mayor Truex, to add item 8.2. In a voice vote, all voted in favor with Councilmember Paul dissenting. (Motion carried 4-1)

Councilmember Paul made a motion, seconded by Councilmember Crowley, to add item 8.3. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Mayor Truex, to add item 9.1.

Vice-Mayor Starkey requested this item be tabled because one of the residents was not available for comment.

In a voice vote to add the item, all voted in favor with Vice-Mayor Starkey dissenting. (Motion carried 4-1)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.4 Mayor Truex asked if there were options for next year's program. Parks and Recreation Director Dennis Andresky spoke of various options, which included increasing costs for participants or moving the program to Robbins Lodge.

Councilmember Hubert indicated that Nova Southeastern University was willing to assist.

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

4.9 Mayor Truex asked if the purpose of this item was so that the proposed ordinance could be placed on the agenda for first reading. Mr. Kutney indicated that Council was taking action at this meeting. There was discussion regarding the lack of backup materials.

Mr. Kutney stated he would resolve the conflict for the next meeting.

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Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to table to June 18, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

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4.11 Councilmember Paul voiced her concerns regarding this plat and asked Mr. Laystrom to address them. She stated that the original location entrance would cause distress for residents in the area. Councilmember Paul wanted to know if the entrance would be aligned with a side street or would it be in the middle of the street.

Bill Laystrom, representing the applicant, explained why this plat revision was needed and indicated that he was willing to meet with Councilmember Paul to further discuss this issue. He stated that the plat had already been approved when staff had asked for an additional access point and indicated that the site plan would have to be completely redone to accommodate staff's request. Mr. Laystrom stated that he was willing to resolve this issue, adding that the expiration for the plat was nearing. He indicated that the layout of the lots might conflict with the proposed changes in the site plan.

Planning and Zoning Manager Fernando Leiva indicated that SW 26 Street was a local road and could be addressed by the site plan process. He indicated that a delegation request was not necessary.

Councilmember Paul requested the tapes for the meeting where this was discussed for review. Mr. Laystrom indicated that the application to amend the plat note would not have been filed unless it was requested by staff. Councilmember Paul indicated that she wanted to "physically" see where the SW 148 Avenue entrance was before she voted on it.

Mr. Laystrom indicated that Council would have the opportunity to see the accessway at site plan. He clarified that Council was voting on the plat at this hearing.

Mr. Leiva stated that, after consulting with Mr. Kutney and Planner Marcie Nolan, staff wanted the plat recorded. He stated that if Mr. Laystrom agreed, the application could be withdrawn and it could be addressed at site plan. Councilmember Paul did not approve.

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to approve for staff recommendation to approve the plat and have the issue of the 26 Street realigned with 145 Avenue addressed at site plan.

Councilmember Paul indicated that she wanted to table this item until June 18, 2003 so that all issues could be clarified.

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

4.12 Mr. Kiar wanted to ensure that the applicant was aware of the representation made therein. Mr. Kutney replied affirmatively.

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

4.13 Councilmember Paul spoke about her concerns regarding this request. She disclosed that she was on the Boys and Girls Club Board of Directors and realized the benefits of the revenue generated from the billboard. Councilmember Paul spoke of the history of billboards in the Town and felt that if this ordinance was changed and Council voted to recertify, they would be opening the door to many more billboard requests. She had concerns that the billboard was proposed next to the horse trail. Councilmember Paul stated that the

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vista from I-75 was pleasant as it was and allowing this billboard would set a precedent that would have a negative affect. She suggested finding another location.

Mayor Truex also spoke about the history of the billboard issue. He felt this was not a good deal for the Town. Mayor Truex felt that if the Town were to approve the extra billboard, it had to overwhelmingly benefit the Boys and Girls Club in order for it to be warranted and added that there should be public input first. He stated that if Council wished, he would be in favor of granting this billboard to the Boys and Girls Club. Mayor Truex felt that the Florida Turnpike corridor might be a better location as it was less pristine than I-75.

Councilmember Paul reiterated that another location should be sought and stated that she was considering tabling both this item and item 6.4.

Councilmember Hubert asked what the Boys and Girls Club received from the billboards. David Hughes, Executive Director of the Boys and Girls Club of Broward County, indicated that the billboards generated \$8,000 to \$25,000 per billboard.

An unknown female speaker indicated that the organization received in excess of \$67,000 last year just from the billboards in the Town.

Councilmember Hubert felt that the Boys and Girls Club did not receive enough from the billboards. Mayor Truex agreed. Mr. Hughes indicated that Boys and Girls Club would get 25% per year in addition to the land lease.

Councilmember Crowley indicated that he felt it was a good site for an excellent cause so long as the billboard was not placed on the equestrian/recreational easement.

Councilmember Hubert asked how long the agreement was for. Mr. Hughes replied 20 years.

Alison Oliver, representing Gold Coast Advertising and the Boys and Girls Club of Davie, showed a rendering and pointed out exactly where the billboard was proposed.

Mayor Truex asked Mr. Flutie what his firm was giving the E.A.S.E. Foundation.

Glenn Flutie, president of Professional Display Ads, indicated that his company's relationship with the E.A.S.E. Foundation was similar to that of Gold Coast Advertising and the Boys and Girls Club. Mr. Flutie explained the program his company and E.A.S.E. had and he did not wish to be the detriment of the Boys and Girls Club getting their billboard. Mr. Flutie felt that because there was no residential in the area, it was a good time to put up the billboards.

Councilmember Paul spoke of billboards that generated so much light it was disturbing to residents of Vista Filare. Mayor Truex asked if the lights on the billboards would have less impact than those on ballfields. Ms. Oliver indicated in the affirmative.

Councilmember Hubert indicated that she liked the site but wanted the Boys and Girls Club to receive more money and the lease agreements should be for less time.

Mayor Truex wanted to see the agreement stacked to give the Boys and Girls Club \$25,000 per year. He felt that the item should be tabled to after the second reading of item 6.4. Mayor Truex felt that item 6.4 should be changed to reflect 13 billboards. Mr. Kutney opined that if the intensity was being changed to 13 billboards, the item should go back to the Planning and Zoning Board.

Sylvia Clements, 4751 SW 30 Street, felt that if Council was going to increase to 13 billboards, the Town should add the three billboards for Jolmy Enterprises, especially since they were located in an industrial area. She felt this would create a level playing field. Mayor Truex indicated that this was not a comparable issue.

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Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to withdraw items 4.13 and 6.4. 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 Hubert made a motion, seconded by Mayor Truex, to have staff redraft the ordinance with 13 billboards and bring it back before Council at first reading. 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)

4.15 Mayor Truex referred to the street side of the property and was concerned that it was not aesthetically pleasing. He asked if this side of the property could be improved.

An unknown woman indicated that this was not possible, but perhaps color or brick detail could be added.

An unknown man stated that there was issue with the sewer system and there were drainage problems. Modifications were supposed to be made, but those modifications had not been presented to the Site Plan Committee and they did not know if the footprint of the site plan had been impacted.

Mayor Truex suggested that this item be tabled until this was resolved. Mr. Kutney asked that it be approved, subject to changes to the site plan regarding the septic issue.

Mayor Truex made a motion, seconded by Councilmember Crowley, to approve subject to working out this septic issue, the retention area for drainage, and also subject to the representation that they will put a little more brick detail on the end of the building. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinances - Second and Final Reading

6.1. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2003-19 APPROVING PETITION VA 1-1-03, VACATING A DRAINAGE EASEMENT,
TWO 15 FOOT UTILITY EASEMENTS AND TWO 12 FOOT RIGHTS-OF-WAY
WITHIN THE PINE ISLAND COMMERCIAL PLAT (167-50); PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on
First Reading May 21, 2003 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

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

Councilmember Crowley made a motion, seconded by Councilmember Paul, 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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- 6.2. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2003-20 **FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN;
RENAMING SECTION 26-41 ENTITLED "ARBORISTS" TO "TREE TRIMMING
SERVICE PROVIDERS"; AMENDING SECTION 26-41 ENTITLED
"ARBORISTS" RELATING TO LICENSING REQUIREMENTS FOR TREE
TRIMMING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR
AN EFFECTIVE DATE. {Approved on First Reading May 21, 2003 - all voted in
favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex 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 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)

- 6.3. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2003-21 **FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12,
ARTICLE I, SECTION 12-2, "LEGISLATIVE INTENT"; PROVIDING FOR
REGULATIONS REQUIRING THAT REAL PROPERTY WITHIN THE TOWN
SHALL BE DESIGNATED WITH A VALID TOWN OF DAVIE ZONING
DISTRICT AS ESTABLISHED IN THE LAND DEVELOPMENT CODE,
CHAPTER 12, ARTICLE II PRIOR TO ISSUANCE OF A DEVELOPMENT
PERMIT; PROVIDING FOR REGULATIONS; PROVIDING FOR A TIMEFRAME;
PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CRITERIA FOR
REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First
Reading May 21, 2003 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

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

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

Ordinances - First Reading (Second and Final Reading to be held June 18, 2003)

- 6.4. **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
May 21, 2003)**

This item was withdrawn earlier in the meeting.

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- 6.5. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING CHAPTER 4 ENTITLED ANIMALS; PROVIDING FOR DEFINITIONS FOR WILD ANIMALS; AMENDING SECTION 12-32, ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING CATEGORIES FOR KEEPING OF WILD ANIMALS; AMENDING SECTION 12-34(B) ENTITLED ANIMALS; PROVIDING FOR REGULATIONS FOR THE CARE AND MAINTENANCE OF WILD ANIMALS; AND AMENDING SECTION 12-503 DEFINITIONS PROVIDING FOR DEFINITIONS FOR WILD ANIMALS; PROVIDING FOR CONFLICT; 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 Truex advised that a public hearing would be held on June 18, 2003.

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

Councilmember Paul disclosed that Jeffery Harrod, from Vanishing Species, had requested a copy of this ordinance, but could not attend this hearing because he was out of town.

Councilmember Hubert asked if existing keepers of wild animals would be grandfathered in. Mr. Leiva stated that this ordinance would apply to new keepers and added that existing keepers would have to keep their licenses with the State.

Mr. Kutney recommended that a registry be created so the Town would know whom this affected. Mr. Leiva indicated there was a minimum lot size and this was only permitted in the AG, A1, and R1 districts.

Mayor Truex asked if there were State guidelines as to the number of wild animals that could be kept on a property. Mr. Leiva indicated he would research this information.

Vice-Mayor Starkey felt the ordinance should include a periodic review to ensure that the sites did not get out of hand. Mayor Truex agreed and felt there should be an annual inspection with an attached fee. Mr. Leiva felt the fee should be minimal and that inspections should be done twice a year to insure enforcement would take place. He also indicated that subsection "G" was a duplicate of subsection "C" in Section 1 and stated that it should be deleted. Mayor Truex agreed.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul to approve with the deletions of "G" and the addition in section 1(C) to add for periodic/annual review as to code compliance.

Councilmember Paul indicated that she was approving this item at this time in looking forward to having testimony at the next meeting.

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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Ordinances - First Reading/Quasi Judicial Item (Second and Final Reading to be held June 18, 2003)

- 6.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM P.U.D. (COUNTY), PLANNED UNIT DEVELOPMENT DISTRICT TO B-3, PLANNING BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 4703 SW 148 Avenue) (tabled from May 7, 2003) *Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

- 6.7. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO GRIFFIN CORRIDOR DISTRICT (WEST GATEWAY USE ZONE 1); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-2-03, Miller, Legg & Associates, Inc./Centex Homes Inc., 6800 Griffin Road) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

- 6.8. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 4-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-5, LOW MEDIUM DWELLING DISTRICT TO A-1, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 4-1-03, Town of Davie, 5241 SW 82 Avenue) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that the public hearing would be held on June 18, 2003. He then turned the meeting over to Mr. Kiar.

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

Ms. Nolan gave a brief history of the parcel and a background on the rezoning request.

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

Councilmember Paul disclosed that she had spoken with one of the owners of the property.

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

- 6.9. **VARIANCE** - V 12-2-02, Miller Legg and Associates, Inc./Southwest Broward Theaters Holdings, Ltd., 15601 Sheridan Street (to increase the height of a freestanding sign from 15 feet to 35 feet; to increase the area from 160 square feet to 223 square feet; to increase the signage of each tenant from 2 square feet of signage per lineal foot of tenant storefront façade length to 4 square feet per lineal foot; and to allow wall signs facing I-75) (tabled from May 21, 2003) *Planning and Zoning Board recommended approval*

Mr. Kiar read the rules of evidence and swore in the witnesses. Ms. Nolan summarized the staff report.

Stephanie Toothacher-Walker, representing the petitioner, showed the site plan of the parcels in question and reminded of the history of the project. She indicated that her client was seeking a first variance for signage to face east to I-75 so that a few "upscale" restaurants could be located at the out parcels. The second variance was to change the square footage from two square feet to four square feet for signage at the rear of the retail strip fronting the pedestrian promenade. The third variance was to erect a new monument sign.

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

Council made their disclosures.

Councilmember Paul asked about Ms. Toothacher-Walker's assertion of the inclusion of "upscale restaurants."

An unknown man representing Muvico, indicated that they were in final negotiations with TGI Friday's restaurant and this would be indicative of the type of restaurant, if not better, they would try to attract. He spoke of this Muvico's reputation and stated that they did not want to do anything to jeopardize that image.

Vice-Mayor Starkey had concerns regarding parking and traffic and she hoped this would be addressed at site plan. She felt that the addition of the restaurants and the retail strip would be a benefit to the Town. Vice-Mayor Starkey indicated that she wanted to make suggestion prior to the site plan process. Ms. Toothacher-Walker agreed to meet with Vice-Mayor Starkey prior to site plan.

Councilmember Paul was concerned with the height of the monument sign. She asked why the sign was different from the other sign. Ms. Toothacher-Walker indicated that the signs were the same height.

Mr. Kiar recommended that each variance be approached separately for approval.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve number 2, subject to site plan approval. 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 Councilmember Crowley, to approve number 3, subject to site plan approval. 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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Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to approve number 1, subject to site plan approval. 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 - no. (Motion carried 4-1)

Councilmember Paul indicated that she was being consistent as she voted against the original one.

Items to be tabled

6.10. PLANNING AND ZONING BOARD TABLED TO JUNE 25, 2003; COUNCIL CAN TABLE TO JULY 2, 2003

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-3-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-3-03, Sheridan House, Inc., 1700 Flamingo Road)

This item was tabled earlier in the meeting.

6.11. PLANNING AND ZONING BOARD TABLED TO JUNE 25, 2003; COUNCIL CAN TABLE TO JULY 2, 2003

SPECIAL PERMIT - SE 1-1-03, Miller, Legg & Associates/Sheridan House, Inc., 1700 Flamingo Road (to allow for a residential facility consisting of single family homes, multi-family dwelling units, and related accessory non-residential uses such as offices and a multipurpose room, on 57 acres)

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1. 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)

Councilmember Starkey deferred her appointment.

7.2. Community Relations Advisory Board (one exclusive appointment - Mayor Truex appointing Willa Moore; term expires April 2004)

Mayor Truex appointed Willa Moore.

7.3. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004)

Councilmember Starkey deferred her appointment.

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- 7.4. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember Hubert appointing Tom Green; term expires April 2004) (member should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Hubert indicated that her appointment was Tom Green.

- 7.5. Site Plan Committee (one exclusive appointment per Councilmember (terms expire June 2004) (members must be residents of the Town and, whenever possible, should be an architect, landscape architect and an urban planner or designer)

Councilmember Paul appointed Julie Aiken. Councilmember Hubert appointed Sam Engel. Councilmember Crowley appointed Jim Aucamp, Jr. Vice-Mayor Starkey appointed Bob Breslau. Mayor Truex appointed Jeff Evans.

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

No appointments were made.

- 7.7. Water and Environmental Advisory Board (two exclusive appointments - Mayor Truex; terms expire April 2004) (insofar as possible, one member shall be a licensed engineer)

Mayor Truex deferred his appointment.

8. OLD BUSINESS

- 8.1. College Living Experience

Mr. Kutney reported on the status of this item and stated that staff was trying to schedule site visits. Councilmember Crowley requested a copy of the questions and asked that he be invited to the site visit.

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to table to June 18, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

- 8.2 Repeal of Overlay District (Mayor Truex)

Mayor Truex indicated that he wanted this item to be repealed, but he wanted it to go through the same process as a new ordinance. He asked Mr. Kutney what Board's reviewed this ordinance in the past.

Mr. Kutney indicated that the Open Space Advisory Committee and possibly the Agricultural Advisory Board had reviewed this.

Vice-Mayor Starkey indicated that she was opposed to this because it did not meet the rural intent of one unit per acre. She felt bringing through the process again would educate Councilmembers Crowley and Hubert as to what the intent was.

Councilmember Paul indicated that what made the overlay district unique was the amount of open space it allowed for. She explained that this process was more comprehensive than the E-Zoning district. Councilmember Paul stated that Council would have to approve the concept or plan before the developer could move forward with any plans. She stated that the

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key element was to preserve open space and the design would still include one unit per acre, but the open space would be vast and available to residents rather than individual one-acre parcels. Councilmember Paul spoke of the Land Trust, which would act as a buffer from the open space being developed in the future and would allow the developer a tax break by donating the land.

Bill Laystrom, representing Southern Homes, indicated that all properties his client had pending were going to be developed under the standard one unit per acre. He indicated that the ordinance did not provide enough incentive "to put too much time" into developing open space as referred to in the ordinance. Mr. Laystrom referred to a site that was being considered as a wetland. He stated that most sites did not lend themselves to this type of development.

Mayor Truex felt this ordinance would not correct the problems that existed in the E-zoning category.

Councilmember Hubert asked if Habitat for Humanity would fall in this category. Mayor Truex indicated in the negative.

Vice-Mayor Starkey indicated that her strongest objection to cluster development was that residents were not permitted to build stables on their property. She also indicated that homeowners associations would be responsible for the land, which would be open to the public.

Councilmember Crowley asked for backup on this issue, perhaps a presentation by staff or a workshop, so that he could make a decision regarding revisiting this. Mayor Truex indicated that he and Vice-Mayor Starkey disagreed with staff on this issue.

Councilmember Paul stated that she was not aware of any site plan that included stables. She reminded that one of the reasons this issue came forth was because potential home buyers were looking to build large houses on large parcels so that they could have amenities including swimming pools, pool houses, and tennis courts, but they were not interested in building barns on their property, regardless of whether or not they were equestrians. Councilmember Paul stated that Mr. Laystrom indicated that designs did not include stables because there was no market for it in this type of development. She stated that in the Oak Hill area and Southwest Ranches, large parcels were being bought and developed with everything except equestrian amenities. Councilmember Paul stated that one of the reasons for flooding in these areas was because of the over development of individual parcels. She indicated that if each one of the one unit per acre properties were going to have stables on it, then she would be in favor, but that was not the case.

Mayor Truex wanted to schedule a workshop in mid-August to further address this issue. Councilmember Crowley asked for backup material prior to the workshop.

8.3 Mainguy Zoning Issue (Councilmember Paul)

Councilmember Paul stated that this matter referred to concerns on the Mainguy site on Flamingo Road. She stated that they were being visited by Code Compliance and they had not moved forward. Councilmember Paul questioned if the Town had the right to withdraw the site plan if the property owner did not abide by the site plan. Mr. Kutney indicated that they had a site plan approval, but they did not have a building permit. He stated that no activity should be taking place on the site. Mr. Kutney indicated that Council's backup material provided a detailed history of this case and stated that staff would take whatever measures necessary and within the legal realm of their authority. He advised that staff took issue with

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property owners who abused exemptions for farming, and there were concerns that this was the case with the Mainguy property. Mr. Kutney also advised that the site plan expired July 5, 2003 and staff was considering recommending to Council that the site plan not be extended.

Bill Laystrom, representing the property owner, felt that staff had not contacted Mr. Mainguy and advised him of the problems on the site. He gave his word that he would get this issue resolved according to the original agreement. Councilmember Paul indicated that she attempted contacting Mr. Laystrom and these concerns were brought up at prior meetings.

Mr. Kutney indicated that this was an ongoing investigation and there were activities going on that were not permitted without a building permit.

9. NEW BUSINESS

9.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AFFIRMING THE CURRENT LOCATION OF THE HORSE TRAIL ALONG THE FOREST RIDGE COMMUNITY.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to place the resolution on the next meeting's agenda [June 18, 2003]. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - no; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-1)

10. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR TRUEX

TOWN ADMINISTRATOR'S CONTRACT. Mayor Truex apologized for not meeting with Mr. Willi regarding his contract before this meeting. He stated that a meeting was scheduled for June 10, 2003. He asked that this be added to the June 18th agenda.

LEGAL WORK IN CHARTER LANGUAGE. Mayor Truex wanted to discuss a resolution reaffirming the Charter language that legal work be performed by the Town Attorney, by a firm approved by Council or by a firm contracted by the Town Attorney. He requested this be added under New Business on the June 18, 2003 Council agenda.

ROBBINS LODGE. Mayor Truex requested a calendar that would show the usage at Robbins Lodge so that Council could look for trends. He suggested a resolution be prepared that would increase the usage at Robbins Lodge from two to four times a year. There were no objections from Council.

BECKER AND POLIAKOFF. Mayor Truex asked about Mr. Willi's renegotiating this contract so that the firm could continue to work on the Sunrise water issue. He felt this firm was not showing progress and suggested inviting other firms to bid on providing legal services for eminent domain issues to the Town. Mayor Truex asked that this be added under New Business on the June 18th agenda.

Mr. Willi indicated that Becker and Poliakoff were working on ongoing issues concerning Sunrise water and the Spur Road eminent domain issue. He stated that Becker and Poliakoff were initially hired for the Sunrise water issue; however, because this firm was on the Town's roll for continued services with eminent domain work, they were dispatched to cover the Spur Road issue.

Mayor Truex asked if Becker and Poliakoff had begun work on the Spur Road issue. Mr. Willi replied affirmatively. Mayor Truex asked Mr. Willi if he was going to bring a resolution to

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Council to approve this employment contract or would both eminent domain issues be together. Mr. Willi stated there were some conflicts with the current contract regarding the Spur Road issue. He explained that the Town Attorney's Office had reviewed the contract and had brought up points for revision.

Mr. Kiar advised that he had received an engagement letter of agreement and indicated that there were substantial differences between the original engagement letter and the current one. He recommended that the original engagement letter be used because it had more safeguards for the Town.

Mayor Truex asked how much time the firm had spent on the Spur Road issue. Mr. Willi indicated that substantial time had been spent reviewing documents and making preparations. He also recommended that the Town not proceed with eminent domain for Sunrise water and Becker and Poliakoff would then have nothing to do with that issue. The recommendation would formally come before Council by the end of the summer. After hearing Mr. Willi's response, Mayor Truex asked that this issue not be placed on the next agenda.

MISS AMERICA. Mayor Truex asked that this item be placed on the next agenda for discussion.

COUNCILMEMBER HUBERT

BIRTHDAY WISHES. Councilmember Hubert wished Councilmember Paul a happy birthday.

PALMA NOVA UPDATE. Councilmember Hubert reported that 21 air conditioners had been installed and additional paint was being provided. She indicated that she had started a tutoring program for non-English speaking Hispanics.

COUNCILMEMBER CROWLEY

HURRICANE SEASON. Councilmember Crowley offered to meet with residents and homeowners associations regarding flooding concerns.

VICE-MAYOR STARKEY

BROWARD LEAGUE OF CITIES. Vice-Mayor Starkey reported that officers were sworn in on May 31, 2003.

THANK YOU. Vice-Mayor Starkey thanked the Miami Dolphins for coming out for Habitat for Humanity. She also thanked Town employees for assisting with this project.

PURCHASE OF DEVELOPMENT RIGHTS. Vice-Mayor Starkey indicated there were concerns regarding the removal of properties from the tax roll. She reported that residents were asking about PDRs and wanted a list of all those applied for as there were concerns there was no public benefit. Vice-Mayor Starkey asked that this be placed on the next agenda for discussion. Mr. Willi indicated there were three properties in the Town that applied for PDRs.

POLICE/FIRE MEMORIAL. Vice-Mayor Starkey reported that ticket sales had generated approximately \$12,000. She stated that Rick and Rita Case donated \$5,000 and another resident wrote a check for \$500.

COUNCILMEMBER PAUL

BALLET. Councilmember Paul reported that she had attended the ballet organized by the Outreach Program.

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NMPO GRANT. Councilmember Paul reported that she had appeared before this committee with Southwest Ranches for two multi-purpose bridges across the C-11 canal, and they made the cut.

PURCHASE OF DEVELOPMENT RIGHTS. Councilmember Paul explained that these properties did not come off the tax roll as that was not the purpose of it. The properties were in the process of going through the negotiation process with the County. She clarified that there was a public access component to the PDR and each of the participants had indicated their willingness to have public access.

SW 154 AVENUE POTHOLE. Councilmember Paul reported that there was a bad pot hole on this road and asked that it be temporarily repaired.

RIVERSTONE. Councilmember Paul reported that she responded to most of the e-mails she received regarding this issue. She stated that fill was being moved from Riverstone to Long Lake and Weston, and Southwest Ranches was bearing the burden, which she agreed was not fair. Councilmember Paul indicated that this issue was resolved.

TREETOPS HORSE RENTALS. Councilmember Paul referred to comments regarding these rental horses being on the Westridge property. She understood that these horses were to stay on the Treetops Park property and if they left the property, guides should be present. Councilmember Paul asked that this be referred to the County for investigation.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

12. TOWN ATTORNEY'S COMMENTS

TOWN ATTORNEY. Mr. Kiar clarified the parameters of the Town Attorney's role. He spoke of his contract, fee schedule and his dedication to the Town both as the Town's attorney and a resident. He referred to Mr. Willi's request of staff to estimate the amount of time each legal issue should take. In an e-mail from Mr. Willi, it was indicated that if Mr. Kiar exceeded the estimated time he would not be paid for it. Mr. Kiar advised that he had asked Mr. Willi to rescind this directive, but this had not been done. Mr. Kiar felt the problem was that laypersons were being asked to determine how long it should take an attorney to complete a task, as it was extremely difficult for an attorney to make such estimations. He stated that his contract was with the Town Council not Mr. Willi, and the Town Attorney was a Charter Officer. Mr. Kiar felt the Town Administrator did not have the authority to unilaterally amend the Town Attorney's contract, as only the Town Council and the Town Attorney could do so. He referred to the Charter which delineated the role of the Town Attorney.

Mayor Truex asked if Mr. Kiar and Mr. Willi could resolve this issue without Council. Both agreed.

Mr. Willi indicated that attorneys gave reasonable estimates in the form of a retainer request and he felt that it was not unreasonable to have a timeframe to base billing on. He stated there was three years of data that could be used to control legal fees. Mr. Willi stated that, as the Town Administrator, he was the contract administrator for all Town contracts. He explained that his request of staff was not to amend the Town Attorney's contract, but to have internal control over what the Town's legal billing would be on a monthly basis. Mr. Willi stated that hours beyond the estimates must be preapproved before he authorized staff to pay

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the bill. He also indicated that vast amounts of time were being spent on research, whereas attorneys with specific areas of expertise would not have to spend so much time in their search

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process. Finally, Mr. Willi indicated that the legal bills for the Town had steadily increased over the past three years and reiterated that the intent of the e-mail was to monitor the process and provide internal control.

Mayor Truex again suggested that Mr. Kiar and Mr. Willi meet to resolve this issue.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 11:08 p.m.

Approved _____

Mayor/Councilmember

Town Clerk