

**TOWN COUNCIL
SPECIAL MEETING
NOVEMBER 29, 2000**

The meeting was called to order at 7:08 p.m. by Mayor Venis and was followed by the Pledge of Allegiance. Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Interim Town Administrator Willi, Town Attorney Kiar, and Acting Town Clerk McDaniel recording the meeting.

Charter Review Board members present were: Chair Tom Truex, Vice-Chair Dean Alexander, Julie Aitken, Marie Ambrosino, Ruth Dreyer, James Marcellino, Susan Pennetti, and Dan Pignato.

Mayor Venis advised that the purpose of the special meeting was to review proposed Charter changes, which may appear on the March 2001 ballot. He thanked the Charter Review Board for their involvement in this process and added that the Board did a great job.

Chair Truex stated that Council had done a good job with the appointments to the Board and the individuals were diligent.

1. DISCUSSION ON CHARTER REVIEW BOARD RECOMMENDATIONS

Single Member Districts

Vice-Mayor Weiner offered that he would like to see single member districts and the addition of two at large seats. He explained that he would like to see two of the existing four seats become at large positions.

Mayor Venis stated that he was not in favor of single member districts, but would like the residents to vote on this issue.

Councilmember Cox felt this was an important issue and would like to see it on the ballot, but she did not want to see it "bundled" with the issue of the two extra seats. She indicated that the issues should be voted on separately. Councilmember Clark supported single member districts but not two at large seats and agreed that the issues should be voted on separately.

Councilmember Paul indicated that she would like to keep the current method of voting. She did not feel single member districts were necessary and explained that one of the original purposes of single member districts was to allow minority representation, which had been accomplished. Councilmember Paul thought that the goal of keeping representation evenly distributed was a wrong reason for single member districts. She added that if Council wanted to allow the people to vote on this issue, she would go along.

Mr. Pignato stated that he had voted against single member districts as the elected person could develop a power base that would be nearly impossible to run successfully against. With a townwide election, that power base was not there. Instead there was an opportunity for someone new to be elected. Mr. Pignato agreed that the residents should vote on the issue.

Mr. Marcellino advised that he had voted in favor of this issue as this was a matter for the citizens to decide, not just Council. He felt that single member districts created accountability for each Councilmember and added that it would be best to keep this as a separate issue on the ballot. Mr. Marcellino felt that any incumbent had the ability to create a powerbase, which would not necessarily mean that they would win.

Councilmember Paul indicated that Councilmembers were currently accountable to every resident.

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Vice-Chair Alexander proposed that the voters be allowed to have input. He stated that bundling these issues together it could be challenged and may not get on the ballot, so they should be kept separate. Vice-Mayor Weiner felt the comments were legitimate but it was important to examine alternatives.

Chair Truex felt this matter was the single most important issue before Council and stated that each section of the Town needed to elect their own representative.

John Pisula, 2933 SW 136 Avenue, spoke in favor of single member districts, stating that the essence of accountability was voters choosing people who represented them where they live. It was understood that Council represented the entire Town, but he referred to school board members and the House of Representatives where the whole State did not decide on all. Mr. Pisula felt that Pine Island Ridge should not be able to determine each elected official in the Town.

Councilmember Clark stated that it was important that the person representing District 1 must be chosen by the people in that district.

Jason Curtis, 3801 Flamingo Road, expressed concern that if there were two at large seats created this could result in the Mayor, the at large seats and the district seat all representing one district. He spoke in favor of single member, but not for the additional at large seats.

Mike Bender, 14800 SW 31 Court, was not opposed to voters making this decision but was concerned that single member districts would create four separate townships, which could divide the Town.

Mayor Venis indicated that he had spoken to many residents about this issue and pointed out that the open, undeveloped land was in the western area of the Town, but residents wanted the opportunity to vote for everyone on Council, even though they lived in a certain district. He agreed with the residents that it was important for members to represent the whole Town. Mayor Venis advised that he would like to see the voters decide and districts may be a little premature at this time due to the undeveloped areas.

Vice-Mayor Weiner clarified that he was for single member districts and the reason he suggested additional members was that he felt that an odd number of at large seats would balance Council when it opposed each other.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to put single member districts on the ballot. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Cox asked if a date when single member districts would become effective would be indicated in the ordinance. Mayor Venis felt that the verbiage would be drafted and discussed beforehand.

Town counsel Tom Connick stated that the Charter Review Board made a recommendation but it would be Council's decision.

Executive Administrative Mayor

Mayor Venis explained that this issue would change the form of government, and, although he would like to see this go before the public, research needed to be done and presented to the residents first. He indicated that this research and presentation would make it difficult to place on a March ballot.

Vice-Mayor Weiner advised that this issue should be looked at for a couple of meetings, possibly holding a workshop. He indicated there were variations on the structure

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of this and other municipalities to look at, stating that he had obtained copies of Charters of Plantation and Lighthouse Point, which had executive positions. However, the Charter Review Board did not review this information and stated that further review would be necessary. Vice-Mayor Weiner indicated that the language would need to be determined and as well the form of the position, which may not be possible by March.

Councilmember Paul advised that she was opposed to this issue in the past and still felt that a position like this was not appropriate for this community.

Ms. Dreyer believed that in a democracy, everyone should have a voice. She felt that it was important to allow the people to decide.

Vice-Chair Alexander pointed out that placing this on the ballot would allow people to vote it up or down and it would not then continue to come up for discussion, but would be settled. He explained some of the aspects of this form of government and felt that this would take some time to review, but was worth looking into.

Mr. Marcellino spoke in favor of the issue being placed on the ballot. He felt that a position such as this would foster greater accountability, as a Council would not insulate the position. He advised that when the person did not meet the needs of the people, s/he could be voted out.

Ms. Ambrosino advised that ultimate power corrupts and she was against this issue. She indicated that the issue had been voted down in Broward County and she did not feel it should be on the ballot.

Ms. Pennetti stated that she had voted to put this question to the residents, but she was against it. She agreed that the information brought to residents should provide clear definitions.

Chair Truex disagreed vehemently with this proposal and advised that this was an old form of government which would be a step backwards. He indicated that Council members were working class people and he felt it would be a mistake to bring in a full time politician. Chair Truex indicated that the Town Administrator provided checks and balances and was hired as a trained administrator with qualifications. He did not want to see this go on the ballot.

Mr. Pisula stated that the Town Administrator did not feel insulated by Council and the accountability process was in place for the Town Administrator. He indicated that this issue should not be on the ballot and the details of the enumerated powers were not well enough defined. Mr. Pisula added that this would be a bad law and urged Council to reject it.

Mr. Curtis expressed concern that the Town may not be educated enough to make this decision. He indicated that if the form of government was going to change, that the issue be prepared for the 2002 ballot in several forms, as the process for providing adequate information on this would be lengthy.

Vice-Mayor Weiner recommended that this be deferred until after March 2001 which would allow time to investigate the responsibilities of the executive mayor and the duties of Council in relation to this position. He indicated that there were many unanswered questions and more time was needed to present to voters.

Mayor Venis asked if Council would agree to the Board reconvening to work on this. Vice-Mayor Weiner responded that an entirely new Council may be in place as of March 2001, so the new Council should decide on the Board members.

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Councilmember Paul suggested a straw ballot to see if the public was interested in an executive mayor. Mayor Venis did not think this would work as the residents would need to be given details. Councilmember Cox thought the idea was an interesting idea and indicated that straw ballots had been done before.

Councilmember Cox stated that running the Town like a political machine would create all types of problems. She felt that a November ballot would be appropriate for an issue like this, as the voter turnout would provide a wider representation.

Vice-Mayor Weiner made a motion to defer this item until after the election in March 2001 and allow Council to convene a separate Charter Review Board to further consider the idea.

Councilmember Paul felt that this motion would dictate to the next Council that it must move forward with this issue. Councilmember Cox agreed and indicated that if the new Council chose to pursue the issue, it could bring the matter up.

Vice-Mayor Weiner indicated that he had phrased the motion so people knew where he stood and he felt that residents should have an opportunity to vote on it. If the motion was to not put the item on the ballot, that would indicate that residents should not be allowed to vote on this issue and he added that the next Council should decide.

Councilmember Clark seconded the motion.

In a voice vote, all voted in favor with Councilmembers Cox and Paul dissenting. (Motion carried 3-2)

Adding Two At Large Seats

Vice-Mayor Weiner clarified that this addition would increase the size of Council to seven and was in support of this measure.

Mayor Venis was in favor and added that the at large seats would balance Council.

Councilmember Clark advised that by adding two at large seats, three Councilmembers could live in the same district. She indicated that she was opposed. Vice-Mayor Weiner pointed out that the residents at large had an opportunity to vote for their at large representatives, providing for direct representation and placing people on Council who represent the entire Town. Councilmember Clark felt that these additions would not provide balance to Council.

Councilmember Cox supported placing this issue on the ballot, although she would like to cast her vote for each person on Council. She added that requiring the representative to live in their district helped balance the power and felt that adding two at large seats defeated the purpose of single member districts. Councilmember Cox indicated that she was opposed to this issue.

Councilmember Paul questioned a section of the report regarding one seat for a one year term beginning in October, 2003. Mr. Marcellino explained the parameters of how the seats voted on would be staggered so both would not be elected at the same time. Mr. Connick advised that the Board tried to establish a plan that would not put all at large seats in one district, but this could not be worked out.

Councilmember Clark asked if this could be done by a geographical boundary for where the candidates live. Vice-Mayor Weiner stated that they would then not be at large and would create east versus west.

Councilmember Paul pointed out that there was not enough clarity on this issue to move forward.

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Vice-Mayor Weiner stated that voting for districts and when they would be elected could be structured by shaping the motion, giving geographical limitations.

Mr. Pignato reported that the Board had discussed the balance of power and staggering the elections times, but felt that it was important for some Councilmembers to be voted at large so the whole Town would be considered in their decisions. He suggested that if there were no geographical limitations, voters would be aware of the danger of creating an imbalance in districts and people should have the right to vote for at large seats.

Mr. Marcellino believed that this was an issue for the citizens to decide and allowed for Townwide accountability. Creating seven members, with three townwide, increased the amount of government and accountability. He pointed out that it allowed people a greater voice to protect their district's interests.

Chair Truex was opposed to this issue as he felt this would undo the single member district concept and advised Council that adding two more members would lengthen the meetings, meaning the format would need to change. He added that the idea could be worked with in relation to coupling districts together or creating a north and south district. Chair Truex recommended that this issue not be placed on the ballot as more research was needed.

Vice-Chair Alexander recommended that the Town not avoid doing something just because they were hard. He reminded Council that Councilmember Paul and Mayor Venis were both from District 4 and pointed out that they did not often vote the same way. He added that two-fifth's of Council would always be from the same district and advised that it may be difficult to get people to come out and vote when they were just voting for one candidate.

Ms. Pennetti was not in favor of adding two at large seats as this would cause confusion on the ballot. It was crucial that the Town's government be entrusted with the community and additional hours at meetings would not be an advantage.

Mr. Curtis stated that the reason the Board passed certain issues was to allow the people to speak. He indicated that adding two at large seats would create a situation of essentially having three mayors, as decisions were made and votes were cast for all the people.

Mr. Pisula advised that the Town was working toward single member districts and felt that this issue should come up after the election and be dealt with by the new Council. He urged Council not to put this issue on the ballot and added that Council could deal with this issue without appointing another Charter Review Board.

Mr. Bender stated that he did not want to deal with seven Councilmembers and it would be difficult for residents to have the extra seats. He felt that meetings would be substantially lengthened and recommended that Council wait to see what happened with single member districts.

Scott Spagis thought the Town was not big enough to warrant extra seats and felt that all candidates for at large would likely run for the mayor's position as the campaign was the same. He indicated that no system or solution was perfect.

Vice-Mayor Weiner agreed that one of his original concerns was the potential length of the meetings. He stated that if the Town moved to single member districts, the residents needed representatives protecting their interests at large. Vice-Mayor Weiner added that he was not sure whether the issue should wait until later or give the residents the opportunity to decide.

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Councilmember Paul pointed out that there would be additional costs in adding two Councilmembers with office space, staff, salaries and benefits. Councilmember Cox felt that the issue of office space was a problem and indicated that this would obscure the single member district idea for residents. She added that this could be offered later as a way to balance single member and recommended that this not be placed on the ballot.

Vice-Mayor Weiner understood the desire to move toward single member districts, but was not sure how large these districts would be. He stated that when Council first agreed to convene a Board, he wanted the Board to look at different permutations and added that his concern was that Council needed to stay at five members. Vice-Mayor Weiner indicated that he was in favor of adding the at large but only having five seats. He questioned if more than one option could be placed on the ballot.

Councilmember Paul made a motion, seconded by Councilmember Clark, to defer this issue until after the March 2001 election. In a voice vote, all voted in favor with Mayor Venis and Vice-Mayor Weiner dissenting. (Motion carried 3-2)

Identification of Rural Areas

Vice-Mayor Weiner was not sure how this could be accomplished without interfering with legally established property rights. He supported the intent but needed clarification on what exactly was intended and direction from the attorneys on how this could be done.

Mayor Venis advised that the recommendation said "the policy shall not interfere with legally established property rights," which he supported.

Ms. Aitken stated that the intent was to strengthen what was already in the Charter. She advised that the goal was to make sure that new developments complimented the neighboring areas by setting regulations.

Councilmember Cox was not sure this was a Charter issue, advising that the strength lied in the ordinances, not the Charter. She suggested taking the statement that was voted on and develop ordinances or a zoning category. Councilmember Cox stated that an overlay district could be created with development parameters that would achieve the goal, adding that an ordinance could be shaped while the Charter could not.

Mayor Venis felt that an ordinance could be set up to establish the intent, but formalizing it in the Charter made it binding and a future Council would have to do this. He would like to see this go on the ballot.

Vice-Mayor Weiner reminded Council that the Board had recommended this 6-1 and suggested that the voters make the decision. Councilmember Paul agreed.

Mr. Curtis advised that the Charter was a living document and could be changed by future Councils.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to approve identification of rural areas be placed on the ballot. In a voice vote, all voted in favor. (Motion carried 5-0)

Supermajority Land Use Change

Ms. Ambrosino advised that she was against this recommendation and pointed out that requiring a supermajority created a barrier to business expansion and ultimately, the economy of the Town, as owners would go elsewhere.

Ms. Dreyer was in favor of land use change as she believed that changing a land use should be overwhelming.

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Mr. Pignato was in support, advising that a land use change changed the designation of the property itself from agriculture or residential into business and pointed out that there already was an ordinance for this. Placing this recommendation in the Charter would protect that ordinance against change by future Councils.

Mr. Marcellino was against this recommendation as a supermajority undermined the democratic process. He added that a majority vote should rule anything that came before Council.

Vice-Chair Alexander advised that there were many obstacles to overcome regarding land use changes, adding that anything that went through the process had been thoroughly shaped and felt that a simple majority was best.

Ms. Aitken spoke in favor as this made it one step harder than it already was to make changes. She felt that the current residents had a right for the zoning around them to remain the same. Ms. Aitken stated that there were many commercial and business designations that had not been developed and additional areas were not needed. She added that the County was built out for business, and Davie was the only area remaining.

Arlene Broleman, Executive Director of Davie/Cooper City Chamber of Commerce, advised that she was against this recommendation, pointing out that this became a superminority as all that was needed for a development to fail was for two Councilmembers to vote against the change. She felt this recommendation would discourage business from coming into the Town.

Mr. Bender reminded Council that it had unanimously passed this ordinance twice. He added that this recommendation was not an anti-development measure but would provide for quality development and he felt strongly that the voters must be heard on this issue.

Vice-Mayor Weiner supported this amendment.

Mayor Venis offered that the quality of life and sensitive areas of the Town needed to be protected and believed that this would not deter business from the area. He indicated that he was in favor.

Councilmember Paul was in favor of letting the residents vote on this issue.

Councilmember Cox did not disagree with the attempt to keep the land use plan in tact, but felt strongly that supermajority flew in the face of the democratic process because it gave a minority of the people control over what happened in the Town. She added that the Charter should be constructed to support the democratic process. Councilmember Cox agreed to allow the voters to decide this issue.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to place this on the ballot as amended by the Board. In a voice vote, all voted in favor. (Motion carried 5-0)

Council Salary

Vice-Mayor Weiner appreciated the Board's support for Council but did not agree with the need for an increase in salary.

Mayor Venis was satisfied with the current compensation and stated that he did not do the job for the money.

Councilmember Paul commented that additional money allocated for salaries would impact future budgets, but stated that she could spend more time at this job if the salary would allow it. She recommended putting it on the ballot.

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Councilmember Clark felt that the salary should not be important, but agreed with Councilmember Paul. She advised that she was a time clock employee and could work her full time hours and do her Council responsibilities after hours, but if the salary provided more compensation, more time could be given to this job during the day.

Ms. Dreyer commented that the Board realized how much time Councilmembers gave and when comparisons were made with other municipalities, the Board felt that Council was not adequately compensated. Acting Town Clerk McDaniel read data on salaries, according to population of other cities.

Mr. Pignato felt that this issue should go to the residents for a vote as Council was definitely underpaid. He indicated that the current salary precluded families of lower income or a single parent from running for office.

Mr. Bender agreed and felt that Council positions should be open to everyone. He indicated that future Councilmembers with a night job may need to take time off work to fulfill obligations and recommended that the residents vote on this issue.

Vice-Mayor Weiner agreed with Mr. Pignato's statement that individuals who may not be as fortunate as some of the current Council should be given the opportunity to run for Council.

Councilmember Paul made a motion, seconded by Councilmember Clark, to place this issue on the ballot. In a voice vote, all voted in favor. (Motion carried 5-0)

Remove "Volunteer" Reference for Fire Department

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

Attendance of Police Chief at Council Meetings

Police Chief John George stated that he would attend all meetings, but discussions regarding zoning and land use matters were not a matter of public safety. He indicated that this suggestion would defer the decision to the Town Administrator to give permission for the police representative to leave a meeting at some point. Chief George advised that he currently was required to be at all regular meetings.

Mayor Venis advised that he received strange phone calls from people who did not seem to be balanced and he felt that if people knew there was no police protection, problems could result. Chief George advised that the recommendation changed it from a Charter requirement to the Town Administrator's discretion. Mayor Venis recommended keeping the current language and at a certain time of the evening, someone could replace the Chief.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to keep the Charter the same. In a voice vote, all voted in favor. (Motion carried 5-0)

Delete Reference to the Fire Marshall

Councilmember Paul stated that this issue created two separate positions, one of Fire Chief and one of Fire Marshall.

Mr. Marcellino stated that the Charter was in contradiction to the Broward County Code. Vice-Mayor Weiner asked for a copy of the Code as back up.

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

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Recommendations for Changes by Ordinance

Vice-Mayor Weiner recommended that these issues be discussed at a regular meeting. There were no objections.

Councilmember Paul congratulated the Board and commented that it had done a great job. She believed that this was a great exercise and an improvement over past Boards.

2. CHARTER REVIEW

Mayor Venis questioned this item. Acting Town Clerk McDaniel indicated that this item was agendized in the event that Council wanted to review other areas of the Charter.

Vice-Chair Alexander thanked Mr. Kiar, Mr. Willi, Acting Town Clerk McDaniel and Board Secretary Janet Gale for their help.

Chair Truex asked if the Board was discharged after this meeting.

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

Mr. Connick explained that the Board had been advised that until it was discharged, it was subject to the Sunshine Law.

Councilmember Paul questioned the timeframe to make certain these items were approved for the March election. Acting Town Clerk McDaniel indicated that the questions needed to be to the Supervisor of Elections Office by January 16, 2001.

Councilmember Cox thanked the Board and congratulated them on a job well done. Mayor Venis agreed and understood that the Board had met on a number of occasions to discuss these issues. Councilmember Clark felt that all members were well chosen.

Ms. Dreyer thanked the Board members and added that it was a great experience. Mr. Pignato stated that Chair Truex and Vice-Chair Alexander did a great job. He indicated that Acting Town Clerk McDaniel had done a great job.

There being no objections or further business, the meeting was adjourned at 9:25 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk