

June 6, 1990

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:35 p.m. by Mayor Cox and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were: Mayor Cox, Councilmembers Kovac, Kiar and Cannata. Also present were Town Administrator Mearns, Town Attorney Webber and Town Clerk Jacobs recording the minutes. Vice-Mayor Morrall was absent.

Mayor Cox stated that Vice-Mayor Morrall was unable to make the meeting due to a family illness.

Councilmember Kiar made a motion, seconded by Councilmember Kovac, to excuse Vice-Mayor Morrall's absence due to an illness in the family. In a voice vote, with Vice-Mayor Morrall being absent, all voted in favor.

3. PRESENTATIONS

To Council

3.1 Boy Scouts of America Scoutmasters Camporee Committee - Memorial Day Weekend

Dan Lavrich presented a plaque and T-shirts to the Council for its participation in the Memorial Day Weekend activities. He thanked the Town for its support of the Boy Scouts and to youth in general.

3.2 "Broward Make It Shine" - Certificate of Appreciation and Proclamation

Mr. Mearns stated that the City of Ft. Lauderdale had instituted a program several years ago to begin the clean up of neighborhoods and public places that had become neglected. He stated that Broward County initiated a similar program this year and the County had been divided into six districts. Mr. Mearns stated that the Town was the recipient of the award for the "Broward Make it Shine" for District #5. He presented a certificate of appreciation to the Council for the implementation of the Open Space Program and the numerous parks that had been opened or were due to be opened. Mayor Cox stated that she was pleased to participate in this project and the Council should be proud of its record of accomplishing the goals that were embodied in the award.

Mr. Mearns presented a proclamation to the Council for its contributions to "Broward Make It Shine" from the Broward County Commission.

From Council

3.3 George Greb - Open Space Advisory Committee

Mayor Cox presented Mr. Greb with a certificate of appreciation.

3.4 Patti Reid - Open Space Advisory Committee

Mayor Cox presented Ms. Reid with a certificate of appreciation.

3.5 Darlene Dark - Open Space Advisory Committee

Mayor Cox presented Ms. Dark with a certificate of appreciation.

3.6 Elizabeth Jenkins - Open Space Advisory Committee

Mayor Cox presented Ms. Jenkins with a certificate of appreciation.

3.7 Robert Menconi - Open Space Advisory Committee

Mayor Cox presented Mr. Menconi with a certificate of appreciation.

3.8 Ron Scheiderer - Open Space Advisory Committee

Mayor Cox presented Mr. Scheiderer with a certificate of appreciation.

3.9 Linda Siemer - Open Space Advisory Committee

Mayor Cox presented Ms. Siemer with a certificate of appreciation.

Service Awards

3.10 Paul Cuomo, Police Service Aide Supervisor - Five Years

Mayor Cox presented Mr. Cuomo with a service award.

3.11 Helen Boudreaux, Police Service Aid - Special Assignment - Five Years

Ms. Boudreaux was not present.

3.12 Marcia Zolot, Finance Clerk I - Five Years

Mayor Cox presented Ms. Zolot with a service award.

3.13 Anthony Spero, Finance Clerk I part time - Five Years

Mayor Cox presented Mr. Spero with a service award.

3.14 Dennis Schutte, Maintenance I - Ten Years

Mayor Cox presented Mr. Schutte with a service award.

4. OCCUPATIONAL LICENSES

Seasonal Sales 4.1 Rex Benson/Davie Church of God, 7801 Griffin Road (West Davie Texaco)

4.2 Cheryl Molzen/Davie Church of God, 6420 Griffin Road (Davie Auto)

4.3 Terri Mears/Davie Church of God, 5999 S. University Drive (University Creek Plaza)

4.4 Nita Benson/Davie Church of God, 4291 Davie Road Extension (Farm Stores)

4.5 David Mears/Davie Church of God, 2701 S. University Drive (Scandinavian)

4.6 Cheryl Major/Davie Church of God, 4815 S. State Road 7 (Winn Dixie)

4.7 Art Pulcini/Davie Church of God, 13000 State Road 84 (Stop & Go)

Rex Benson, representing the petitioners, was present.

Councilmember Kiar made a motion, seconded by Councilmember Cannata, to approve items 4.1 - 4.7. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

Mayor Cox stated that items 5.26 and 5.27 had been withdrawn by staff.

5. CONSENT AGENDA

Minutes

5.1 May 16, 1990 - Regular Meeting

Proclamations

5.2 Amateur Radio Week - June 18-24, 1990

5.3 Teen Awareness Month - June, 1990

5.4 Bicycle Safety Month - June, 1990

Resolutions

5.5 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE PROPOSAL FOR

R-90-140 CONSULTING SERVICES FOR REVIEW AND CONFIRMATION OF EXCISE TAX REVENUES AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SUCH SERVICES.

5.6 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN

R-90-141 ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN ACCEPTABLE AGREEMENT FOR ADMINISTRATIVE SERVICES FOR THE TOWN'S EXISTING SECTION 125 PLAN.

5.7 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO SIGN A

R-90-142 RELEASE FOR SETTLEMENT OF SUBJECT CLAIM BETWEEN THE TOWN OF DAVIE AND FLORIDA POWER & LIGHT COMPANY; AND PROVIDING AN EFFECTIVE DATE.

5.8 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING THE BID FOR METER BOXES

R-90-143 AND ACCESSORIES, CITY OF HALLANDALE BID NUMBER F89-90-036.

5.9 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING THE EMERGENCY

R-90-144 PURCHASE OF SERVICES TO REPAIR A DAMAGED SEWER LINE.

5.10 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO

R-90-145 EXECUTE A CONTRACT CHANGE ORDER FOR SHENANDOAH PARK.

5.11 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE EXPENDITURE OF

R-90-146 FUNDS FROM THE FORFEITURE FUND EXPENSE ACCOUNT TO PURCHASE WEAPONS AND WEAPON ACCESSORIES.

5.12 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A 1990

R-90-147 DODGE RAM MAXIVAN, STATE BID NO. 070-001-90-1 AND AUTHORIZING THE EXPENDITURE FROM THE FORFEITURE FUND EXPENSE ACCOUNT.

5.13 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND

R-90-148 TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY AND NOVA UNIVERSITY, INC. RELATING TO THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN PROGRESS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT.

5.14 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE

R-90-149 TO ENTER INTO AN AGREEMENT BETWEEN MUSIC PERFORMANCE TRUST FUNDS AND THE TOWN OF DAVIE, FLORIDA. (Tree Tops Park - July 4, 1990)

5.15 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE TOWN TO EXPEND

R-90-150 FUNDS TO THE DAVIE FRATERNAL ORDER OF POLICE FOR SECURITY SERVICES PERFORMED ON BEHALF OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE. (Law Enforcement Olympics and Miss America Pageant)

5.16 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RESERVING COMMERCIAL FLEXIBILITY

R-90-151 FOR THE WESTPORT BUSINESS PARK PARCELS A AND B PLAT; AND PROVIDING AN EFFECTIVE DATE.

5.17 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RESERVING COMMERCIAL FLEXIBILITY

R-90-152 FOR THE DIMAR PLAT; AND PROVIDING AN EFFECTIVE DATE.

5.18 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING ADMINISTRATION OF A

R-90-153 LITTER PREVENTION GRANT THROUGH THE CLEAN FLORIDA COMMISSION THROUGH THE SOLID WASTE MANAGEMENT TRUST FUND.

5.19 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AGREEMENT

R-90-154 BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE PROVIDING FOR PREPARATION OF DESIGN PLANS FOR IMPROVEMENTS TO STIRLING ROAD FROM UNIVERSITY DRIVE TO PALM AVENUE AND AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH AGREEMENT.

Ordinances - First Reading

5.20 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 88-76, CONCERNING THE LOCAL GOVERNMENT IMPROVEMENT DISTRICT KNOWN AS POTTER PARK IMPROVEMENT DISTRICT; CHANGING THE NAME OF SAID DISTRICT TO "EAST DAVIE NEIGHBORHOOD IMPROVEMENT DISTRICT"; CHANGING THE NAME OF ITS ADVISORY COUNCIL TO "EAST DAVIE NEIGHBORHOOD ADVISORY BOARD"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

5.21 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A QUIT-CLAIM DEED FROM BRIAN K. MEALEY AND JANISE D. AYLOR, HIS WIFE; CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

5.22 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE TOWN OF DAVIE FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA FOR COLLECTION OF SOLID WASTE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

5.23 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A QUIT-CLAIM DEED FROM JAMES B. CHAPLIN; CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

5.24 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A QUIT-CLAIM DEED RECONVEYING LANDS TO WESTPORT BUSINESS PARK LIMITED PARTNERSHIP, A FLORIDA LIMITED PARTNERSHIP, SAID CONVEYANCE BEING PURSUANT TO FLORIDA STATUTE 255.22; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

5.25 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A RESIDENTIAL CURBSIDE RECYCLING AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA; PROVIDING FOR RECYCLING COLLECTION SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

5.26 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-34 OF THE CODE OF DAVIE ENTITLED "DETAILED USE REGULATIONS"; PROVIDING FOR REGULATIONS GOVERNING ANIMAL HOSPITALS AND CLINICS IN THE NC-A1 AND AG DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

5.27 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-34 OF THE CODE OF DAVIE ENTITLED "DETAILED USE REGULATIONS"; PROVIDING FOR REGULATIONS GOVERNING ANIMAL KENNELS IN THE NC-A1 AND AG DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECOMMENDATION: Approval

Councilmember Cannata made a motion, seconded by Councilmember Kovac, to approve the Consent Agenda (note: items 5.26 and 5.27 were previously withdrawn). Town Clerk Jacobs read the ordinances - first reading by title only. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

6. PUBLIC HEARING

Ordinance - Second and Final Reading

6.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF

90-19 CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RM-5 TO RS-5; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 5-1-90, generally 2,000 feet south of State Road 84 , west of Nob Hill Road)

Town Clerk Jacobs read the ordinance by title only. Mayor Cox asked if anyone wished to speak for or against the ordinance. No one spoke.

Councilmember Kiar made a motion, seconded by Councilmember Kovac, to approve the ordinance. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

Mayor Cox stated that item 6.5 would be heard at this time if Council had no objections. Council had no objections.

6.5 V 5-2-90, State of Florida Dept. of Gen Svcs./State of Florida Board of Trustees of Internal Improvement Trust Fund, 3315 SW College Avenue (CC-CF) (tabled from 05/16/90) **P&Z**
BOARD RECOMMENDATION - Approval

Glenn Main, representing the petitioner, was present. He stated that this request was to try and pilot a radio communication system to serve the State's law enforcement agencies. Robert Rawls, Director of Development Services read the planning report (recommendation: Development Services - denial; P & Z Board - approval).

Councilmember Kiar asked if this would be the highest tower in Broward County. Mr. Main replied affirmatively. Councilmember Kiar asked why the Town was chosen for the site. Mr. Main stated that the area was picked by looking at the radio coverage that was needed and if there was any State land that the tower could be erected on. Discussion followed. Councilmember Cannata asked if F.A.A. approval had been received. Tom Brooks, Division of Communications, stated that final approval from the F.A.A. had not been received but approval had been received by the D.O.T. Coordinator, who was directly responsible to the F.A.A. He stated that the F.A.A. had had the application for approximately 90 days.

Mr. Brooks stated that approximately two years had been spent researching sites for this tower. He stated that he did not believe that any residence would suffer from seeing a tower from a picture window and the tower would pose no hazard from either radio energy, lightning problems or electrical equipment.

Councilmember Cannata asked if the towers in Pompano, Plantation and North Miami were of similar heights. Mr. Brooks gave the following information on tower heights: Pompano - 250 feet, Dade County - 268 feet, and 79th Street Causeway - 270 feet. He stated that 300 feet was the standard height for the tower's design. Mr. Brooks stated that this tower would not be the tallest tower in South Florida as there was a 400 foot tower in the Keys.

Councilmember Cannata asked if the tower had to be located on State property. Mr. Brooks stated that it was the preference as it would save taxpayers money by not having to acquire new land. Councilmember Cannata asked if it would be acceptable to the State if another piece of property could be found. Mr. Brooks stated that the property would have to be within a mile of this site. Councilmember Cannata stated that he found this site objectionable and wondered if a more acceptable site could be found. Mr. Brooks stated that he would be surprised if anything in the area would be usable as research had been done.

Mayor Cox asked if anyone wished to speak for or against the petition.

Scott Plante, 1301 SW 120 Way, stated that it was not fair that the petitioner came before Council without F.A.A. approval. He stated that he did agree that law enforcement needed to communicate with each other. Mr. Plante stated that the tower was much closer to the school systems than the residential areas. He stated that an antenna system did not have to be 300 feet and he did not see why the tower couldn't be located in another city.

Ray Rupelli, 2270 Nova Village Drive, stated that the tower was going to hover over the area just behind the Nova Gardens complex and a rental area. He asked if the Town was going to get a danger signal for planes that were going through the area. Mr. Brooks replied negatively. Mr. Rupelli asked how many people manned the station. Mr. Brooks stated that this site would not have any additional people associated with it. Mr. Rupelli asked if a hurricane could topple the tower. Mr. Brooks stated that the tower would be designed to the current building code.

Al Tyler, 8090 SW 19 Court, stated that he was opposed to a tower of this height and stated that he was concerned with the problems of law enforcement. He asked how close the residents had to be before they were notified of a tower in their neighborhood.

John Sogegian, 7560 SW 36 Street, spoke in favor of the tower and stated that the request should be approved.

Rich Rossmon (500 SW 24 Street), local Commander with the Florida Highway Patrol, stated that the present radio system, which was designed to last 10 years, was 15 years old. He stated that the

Troopers on Alligator Alley could not get into the base station at times. Mr. Rossmon stated that the Council needed to consider the entire picture, not just the Towns.

Mayor Cox closed the public hearing.

Councilmember Kovac asked if a smaller tower in the Town and a larger tower in the Everglades would work. Mr. Main stated that there were approximately 22 towers that were associated with this project from Key West to Broward County. He stated that the reason for the location of the tower in a populated area was that penetration power was needed for getting inside buildings and added that there were towers in the Everglades. He stated that there were three goals: 1) to replace worn out equipment, 2) to have relief to frequency congestion; and 3) to allow law enforcement officers communicate with each other.

After a lengthy discussion on the tower's size and location, Councilmember Cannata made a motion, seconded by Councilmember Kovac, to table the request until 07/02/90 to allow the petitioner the opportunity to meet with staff to discuss other possibilities of height and location. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

Rezoning

6.2 ZB 5-3-90, Associated Engineers and Surveyors, Inc./Hirsch, 5340 SW 64 Avenue (A-1) (tabled from 05/16/90) **P&Z BOARD RECOMMENDATION - Approval**

Gus Aguirre, representing the petitioner, was present. Mr. Rawls read the planning report (recommendation: Development Services - approval; P & Z Board - approval). Mayor Cox asked if anyone wished to speak for or against the petition. No one spoke.

Councilmember Kiar made a motion, seconded by Councilmember Kovac, to approve the rezoning. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

6.3 ZB 5-4-90, Town of Davie/Teger Construction, Inc./Gallo/Heslekrants/North/Colabella, 7300 to 7599 SW 37 Court (NCR-1) **P&Z BOARD RECOMMENDATION - Approval**

Mr. Rawls read the planning report (recommendation: Development Services - approval subject to the planning report; P & Z Board - approval). He explained that the property was land used at three dwelling units to the acre and during the Phase III rezoning, the Town rezoned the property to a zoning category that would only permit one dwelling unit to the acre. Mr. Rawls stated that this was in contrast to an existing, approved plat and explained that the Town was attempting to correct this error. He added that this would not be an increase in density and would be reflective of the existing lots that were platted in existence today. Mayor Cox asked if anyone wished to speak for or against the petition.

Buddy Wormser, 7421 SW 39 Street, asked if no more than 24 units could be in this area. Mayor Cox stated that the property was platted.

John Sogegian, 7560 SW 36 Street, asked if there had to be houses on every piece of property or could the homeowner buy the property directly behind them. Mayor Cox stated that he would need to consult with the property owner.

Mayor Cox closed the public hearing

Councilmember Kovac made a motion, seconded by Councilmember Cannata, to approve the rezoning. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

6.4 ZB 6-1-90, The William Lyon Company, 10,000 State Road 84 (CC B-3) **P&Z BOARD RECOMMENDATION - Approval subject to conditions as outlined in the planner's report**

Joel Gustafson, representing the petitioner, was present. Mr. Rawls read the planning report (recommendation: Development Services - approval subject to the planning report; P & Z Board - approval subject to the planning report). Mayor Cox asked if anyone wished to speak for or against the petition. No one spoke.

Councilmember Cannata made a motion, seconded by Councilmember Kiar, to approve the rezoning subject to staff's recommendation. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

Variances

6.5 V 5-2-90, State of Florida Dept. of Gen Svcs./State of Florida Board of Trustees of Internal Improvement Trust Fund, 3315 SW College Avenue (CC-CF) (tabled from 05/16/90) **P&Z BOARD RECOMMENDATION - Approval**

This item was heard earlier in the meeting.

6.6 V 5-3-90, Acevedo, 13920 Oak Ridge Drive (NC-PRD 3.8) (tabled from 05/16/90) **P&Z BOARD RECOMMENDATION - No motion was passed**

Alice Acevedo, the petitioner, was present. Mr. Rawls the planning report (recommendation: Development Services - denial; P & Z Board - No motion was passed). Mayor Cox asked if anyone wished to speak for or against the petition.

Scott Plante, 1301 SW 120 Way, spoke in favor of the request.

Al Tyler, 8090 SW 19 Court, spoke in favor of the request.

Mayor Cox closed the public hearing.

Councilmember Kovac made a motion, seconded by Councilmember Kiar, to approve the variance. In a roll call vote, the vote was as follows: Mayor Cox - no; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

Mayor Cox closed the public hearing portion of the meeting.

7. SITE PLANS

7.1 SP 11-3-89, Gulf Convenience/Wash, 5999 South University Drive (B-2) **SITE PLAN COMMITTEE RECOMMENDATION - Denial**

Dick Coker, representing the petitioner. Mr. Rawls read the planning report (recommendation: Development Services - approval subject to conditions as outlined in the planning report; Site Plan Committee - denial). Mr. Coker discussed the request. He stated that the petitioner felt that the site plan fully complied with the spirit and intent of the Town's Code and was entitled to an approval.

Mayor Cox asked if staff discussed the aesthetic or architectural designs of the project when a staff report was made. Mr. Rawls stated that staff did not conduct aesthetic or architectural evaluations of the property nor was the evaluation reflected in the staff's comments. He stated that this responsibility lied with the Council to make the determination as to the aesthetic or architectural treatments required. Mr. Rawls stated that the Site Plan Committee made recommendations to the Council.

Mayor Cox asked how the design of the station fit in with the overall design. Mr. Webber stated that the Code provided that the Site Plan Committee and the Council could consider the aesthetic considerations. He stated that in the Town's newly adopted Code, there was a provision that the overall development was considered when an outparcel was being considered.

Mr. Coker asked what the specific concerns were. Mr. Webber stated that this Council could not represent what the thoughts of the Site Plan Committee were. Mr. Coker stated that as aesthetic considerations were not contained in the Code, he was entitled to know what the Council considered to be defects.

Mayor Cox stated that the Council objected to the fact that the overall site and building were not compatible with the rest of the center. She suggested that the petitioner contact the Councilmembers individually to receive their comments.

Councilmember Cannata made a motion to table the request until 07/02/90. Mr. Coker stated that he was planning on requesting a two week tabling but was hoping for some general concerns of the Council.

Mr. Webber stated that it may be appropriate for the petitioner to work with the Town's staff who could then consult with the individual Councilmember. Mayor Cox suggested that the petitioner review the Site Plan Committee's minutes and then consult with the rest of the shopping center.

Mr. Coker stated that it was not appropriate to table this item for four weeks and stated that two weeks was sufficient.

The motion died due to a lack of a second.

Councilmember Kovac made a motion, seconded by Councilmember Kiar, to table the request for two weeks (6/20/90). In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

7.2 SP 3-1-90, Ridgeview Lakes Estates, Nob Hill Road south of State Road 84 (R-3) **SITE PLAN COMMITTEE RECOMMENDATION - Approval subject to conditions as outlined in the planner's report and setting the pavers as stated if approved by staff**

Robert Conners, representing the petitioner, was present. Mr. Rawls read the planning report (recommendation: Development Services - approval subject to conditions as outlined in the planning report; Site Plan Committee - approval subject to conditions as outlined in the planning report).

Councilmember Kovac made a motion, seconded by Councilmember Cannata, to approve the site plan. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

7.3 SP 4-1-90, Davie Towne Center, Tri-County Square, (All American Soup and Salad, Inc.) 2312 South University Drive (B-3) ***SITE PLAN COMMITTEE RECOMMENDATION - Approval subject to the removal of the sign from this application***

Chuck Buckalew, representing the petitioner, was present and discussed the request. Mr. Rawls read the planning report (recommendation: Development Services - approval; Site Plan Committee - approval subject to conditions as outlined in the planning report). He stated that the petitioner had complied with the Site Plan Committee's recommendation.

Councilmember Kovac made a motion, seconded by Councilmember Kiar, to approve the site plan. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

8. DISCUSSION

8.1 Town Administrator's Report

RESOLUTIONS. Mr. Mearns asked that a resolution be added to the agenda as item 8.2.

Councilmember Kovac made a motion, seconded by Councilmember Cannata, to add the resolution to the agenda as item 8.2. In a voice vote, with Vice-Mayor Morrall absent, all voted in favor.

8.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR OLD DAVIE SCHOOL RESTORATION-PHASE I, NORTH ELEVATION.

Patricia McDaniel, Deputy Town Administrator, explained that due to the size of the grant that was helping to pay for the restoration, the Town was only doing a portion of the replacement of the windows. She stated that the replacement would be on the northern portion of the building.

Councilmember Kovac made a motion, seconded by Councilmember Kiar, to approve the resolution. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - absent; Councilmember Cannata - yes; Councilmember Kovac - yes; Councilmember Kiar - yes.

RECYCLING. Mr. Mearns stated that an ordinance that created the recycling program, was passed on first reading and recycling would begin on 09/01/90 for single family residences and 10/01/90 for mobile home areas. He stated that it would cost \$1.80 per household, per month and bins would be distributed beginning 08/13/90.

COMPOST PLANT. Mr. Mearns stated that he met with the E.Q.C.B. and representatives from City of Ft. Lauderdale. He stated that Ft. Lauderdale had proposed a series of modifications to the plant which they expect to control the odor in a more substantive manner. Mr. Mearns stated that Ft. Lauderdale was requesting until September to be allowed to operate the plant in its current conditions. He stated that Mayor Cox appeared before the E.Q.C.B. at its May meeting and requested that the Town be allowed to present its facts to the Board regarding the plant. Mr. Mearns stated that the reissuance of the air use license by the E.Q.C.B. was the issue at stake. He stated that it was the Town's contention that the

license was currently being violated as the plant was discharging noxious fumes into the atmosphere. Mr. Mearns stated that a public hearing would be held on 06/27/90 and the Town had been given one hour to present its case. He encouraged anyone who would like to appear before the E.Q.C.B. on behalf of the Town, to contact his office at 797-1100.

LEGISLATIVE SESSION. Mr. Mearns stated that while the Town did not receive any appropriation for the Youth Center, the construction of Florida Atlantic University was budgeted and there had been an appropriation of \$1.2 million to the Town for improvement of the water and sewer system. He stated that the Governor would hopefully approve this allocation.

INVITATION. Mr. Mearns requested that an invitation be extended to Senator McPherson and Representative Ostrau to attend the next Council meeting to brief the Council on the last legislative session on matters that affected the Town. Council had no objections.

9. COUNCILMEMBER CANNATA

MOBIL OIL STATION. Councilmember Cannata stated that the Mobil Oil Station on the corner of SW 39 Street and 64 Avenue was absolutely gorgeous. Mayor Cox stated that this was an asset and commended the corporation on its efforts.

10. COUNCILMEMBER KIAR

VANESSA CARTER. Councilmember Kiar extended his condolences to the Carter family.

WATER SAFETY. Councilmember Kiar urged families to drown proof their children. He stated that the American Red Cross had a program that taught swimming.

HUCK LILES. Councilmember Kiar stated that he received the following suggestions for the Huck Liles property: hayrides would be a nice accessory to augment the rodeo and a flea market.

TRAILRIDERS. Councilmember Kiar stated that the Trailriders parade was a lot of fun and urged everyone to participate next year.

McSUGARS. Councilmember Kiar thanked Judge Grossman for his sentencing of the man who shot the two young men at McSugars to 25 years.

BIKE RALLY. Councilmember Kiar stated that the Brooke and Hilary Bike Rally would be held on 06/16/90 at 8:30 a.m. from Western High School.

ST. DAVID'S BASEBALL TEAM. Councilmember Kiar stated that the St. David's baseball team won 13 games, lost 2 games and won the championship. He stated that this was quite commendable for a first year team and mentioned the names of the team members, coaches and scorekeepers.

11. COUNCILMEMBER KOVAC

MOBIL OIL STATION. Councilmember Kovac commended the Mobil Oil Station and added that it fit in very nicely with the neighborhood.

UNIVERSITY DRIVE. Councilmember Kovac asked about the landscaping on University Drive that was replaced with sod during the widening process. Mr. Mearns stated that the road was not officially completed and the Town had installed an irrigation pump. He stated that once the road was completed, the sod would be replaced.

LINEAR PARK. Councilmember Kovac stated that she had been asked if the Linear Park would extend to Laurel Oaks. She stated that the pedestrian/bike path would extend to Flamingo Road; however, gazebos and fishing docks would not be able to be built as South Florida Water Management (S.F.W.M.) would not allow these structures. Mr. Mearns stated that each year, the Town applied to the State for grants for corridors along the canal banks. He added that the Town was at the discretion of the S.F.W.M. and nothing could be done on this property unless a permit was received. Mr. Mearns stated that at one time, there was no charge to the Town for for permits by the S.F.W.M.; however, the fees were now astronomical .

DAVIE LAKES ESTATES AREA. Councilmember Kovac stated that it was a pleasure to work with the residents in the Davie Lakes Estates area.

12. VICE-MAYOR MORRALL

Vice-Mayor Morrall was not present.

13. MAYOR COX

COMPOST PLANT. Mayor Cox stated that the E.Q.C.B. had only given the Town an hour to appear before them. She stated that the Town was going to have to make a very strong point to the E.Q.C.B. to have the plant closed down. Mayor Cox stated that everyone should contact Mr. Mearns' office if anything could be contributed.

NOVA CENTER FOR UNDERGRADUATE STUDIES. Mayor Cox stated that she attended a dedication of the Nova University's Center for Undergraduate Studies to James and Jan Farquhar, who were cattle and sod farmers in the Town at one time.

RECOGNITION PROGRAM. Mayor Cox stated that she and Mr. Mearns had discussed a program that would recognize the residents who did so much to enrich the Town. She stated that it was time that the Town recognized the people for their contributions.

TRAILRIDERS. Mayor Cox stated that the M.D.A. ride, sponsored by the Trailriders, raised approximately \$5,000.

BIKE RALLY. Mayor Cox stated that registration for the Bike Rally was 06/16 /90 at 7:00 a.m. and the cost was \$15. She stated that any money made from the rally went towards the augmentation of bicycle/recreational paths in the Town. Mayor Cox stated that anyone who wanted to participate needed to check with Community Services for the exact times.

14. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:32 p.m.

APPROVED _____

Mayor/Councilman

Town Clerk