

June 20, 1990

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:33 p.m. by Mayor Cox and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

3. LEGISLATIVE UPDATE

3.1 Senator McPherson

Mayor Cox stated that she had read an article on the nation's largest ever State Land Protection Bill, the Preservations 2000 Bill, which was before the Governor. She explained that the purpose of this Bill was to preserve lands and that the effort was larger than any federal effort. She stated that Senator McPherson had fought the fight for conservation over the years, had been a good friend to conservation issues and groups, and had been a driving force behind the State's plan. She added that he was the Chairman of the Natural Resources Committee and had helped the Town on a number of issues concerning Flamingo Gardens.

Senator McPherson stated that he and Representative Ostrau were delighted to serve Davie and Cooper City. He stated that it had been a good year, with Pine Island Ridge going through the Conservation and Recreational Lands (C.A.R.L.) Acquisition Program. He explained that the Preservation 2000 Bill was actually an extension of the C.A.R.L. Acquisition Program and that the \$3 billion (\$300 million a year over ten years) would allow the purchase of almost all 72 items, as opposed to only nine. Senator McPherson felt that the Town, his district, and others throughout the State would benefit from the purchase of environmentally endangered and recreational lands. He congratulated the Town on its receipt of the \$120,000 Florida Recreation Development Grant from the Department of Natural Resources for Nob Hill Park. He stated that he and Representative Ostrau had obtained \$316,000 of the requested \$425,000 for the restoration of the Davie School and that the remainder would be received next year. Senator McPherson stated that Representative Ostrau would expand on what was being done about the problems with roads due to the school system. He stated that he and Representative Ostrau had been able to get money for Nova College, Broward Community College, and the school system. He felt that he and Representative Ostrau had worked well together in a lean budget year.

Councilmember Kiar commended Senator McPherson and Representative Ostrau for the outstanding job done for the community and thanked them for not only making promises, but delivering. Senator McPherson stated that with the help of Councilmember Kiar and Vice-Mayor Morrall, among other people, the 500,000 watt transmission line was moved to the west, out of populated areas. He added that they received a \$29 million mitigation fee from Florida Power and Light which would be used toward environmental purposes.

Mayor Cox asked if anything could be done about the Flamingo Road funding problem. Senator McPherson stated that the Town could join him and Representative Ostrau in maintaining existing pressure on the District Engineer of the Road Department. He stated that this was probably the worse

situation in his District as far as roads were concerned and that the problem could not wait until 1996 to be solved. He stated that he and Representative Ostrau would be working together and that this was his first priority of accomplishments in road projects.

3.2 Representative Ostrau

Mayor Cox stated that Representative Ostrau was Chairman of the Ethics Committee.

Representative Ostrau stated that when one spoke of education, one spoke of Davie. He explained that a \$13 million package had been received for Florida Atlantic University (F.A.U.) at the Davie campus, money had been received to continue the program at Nova University, and \$1.2 million had been received for infrastructure for F.A.U. at Broward Community College. He added that Broward Community College had received a grant to continue a water conservation study in connection with the State of Israel.

Mayor Cox thanked Senator McPherson and Representative Ostrau for taking time to attend the meeting.

4. PRESENTATIONS

To Council

4.1 New River Girl Scouts

Terri Albertson, Service Unit Coordinator for the New River Girl Scouts, Broward County Girl Scout Council, presented the Town with a Certificate of Appreciation for its continuous support to the troops in the Davie/Cooper City area.

From Council

4.2 Tony Bonito - Bicycle Advisory Committee

Mayor Cox presented Mr. Bonito with a Certificate of Appreciation.

4.3 Jim Jackson - Bicycle Advisory Committee

Mayor Cox presented Mr. Jackson with a Certificate of Appreciation.

4.4 Jeff Reisberg - Bicycle Advisory Committee

Mayor Cox presented Mr. Reisberg with a Certificate of Appreciation.

4.5 Donald Wood - Bicycle Advisory Committee

Mayor Cox presented Mr. Wood with a Certificate of Appreciation.

Service Awards

4.6 Helen Boudreaux, Police Service Aide - Five Years

Mayor Cox presented Ms. Boudreaux with a service award.

4.7 Sam Gulla, Recreation Leader - Five Years

Mayor Cox presented Mr. Gulla with a service award.

5. OCCUPATIONAL LICENSES

Home Occupational

5.1 Jim's Lawns, 14301 SW 29 Court

James Casey, 14301 SW 29 Court, was present. Mayor Cox asked if the license was for mail and phone use only and not storage of equipment. Mr. Casey stated that he would be storing the equipment at his house. Mayor Cox stated that he would have to find somewhere else to store the equipment.

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

Mayor Cox stated that a request had been made to table item 8.1.

Councilmember Kovac made a motion, seconded by Vice-Mayor Morrall, to table item 8.1 to 07/02/90. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - yes; Councilmember Cannata - yes; Councilmember Kovac - yes; and Councilmember Kiar - yes.

6. CONSENT AGENDA

Minutes

- 6.1 May 8, 1990 - Special Meeting (9:00 a.m.)
- 6.2 May 8, 1990 - Special Meeting (7:30 p.m.)
- 6.3 June 6, 1990 - Regular Meeting

Resolutions

6.4 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ABOLISHING THE DAVIE RODEO

R-90-156 ARENA ENTERPRISE FUND AND RODEO ARENA RENTAL FEES; AUTHORIZING TOWN ADMINISTRATOR TO NEGOTIATE MINIMUM RENTAL FEES; AND AUTHORIZING TOWN OFFICIALS TO EXECUTE RODEO LEASE AGREEMENTS

6.5 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE CHILD CARE

R-90-157 CONNECTION OF BROWARD COUNTY AND AUTHORIZING THE EXPENDITURE OF FUNDS TO HELP PROVIDE SERVICES FOR CHILD CARE FOR LOW INCOME FAMILIES IN OUR COMMUNITY.

6.6 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR AN OFF- SITE R-90-158 RECORDS STORAGE FACILITY AND AUTHORIZING THE MAYOR TO EXECUTE A STORAGE AND SERVICE AGREEMENT.

6.7 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE BID FOR BIKE PATH

R-90-159 CONSTRUCTION.

6.8 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A FIREWORKS

6.16 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING NEW POSITIONS
AND
R-90-168 DELETING A POSITION IN THE MANAGERIAL/GENERAL AND CLASSIFICATION
PLAN.

Ordinances - First Reading

6.17 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE
CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE
FROM NCA-1 TO CC-RO; AMENDING THE ZONING MAP OF SAID TOWN
TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 5-3-
90, 5340 SW 64 Avenue)

6.18 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE
CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE
FROM NCR-1 TO NCR-3; AMENDING THE ZONING MAP OF SAID TOWN
TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 5-4-
90, 7300-7599 SW 37 Court)

6.19 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE
CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE
FROM CC-B3 to CC-B3; AMENDING THE ZONING MAP OF SAID TOWN
TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 6-1-
90, 10000 State Road 84)

6.20 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.

6.21 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.

RECOMMENDATION: Approval

Councilmember Kiar stated that he was happy to see the bike paths being extended, but expressed concern that motorized vehicles often parked on them which not only impeded bicyclists but also probably did damage to the paths. Mr. Mearns replied that he would take care of the matter.

Town Clerk Jacobs read the ordinances - first reading by title only.

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

7. PUBLIC HEARING

Mayor Cox opened the public hearing portion of the meeting and asked the Town Clerk to read the ordinances by title only.

Ordinance - Second and Final Reading

7.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 88-76,

90-20 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.

Town Clerk Jacobs read the ordinance by title only. Mayor Cox explained that the Town was attempting to expand the scope of the Potter Park Improvement District by bringing all of eastern Davie into it. She asked if anyone wished to speak for or against the ordinance. No one spoke.

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

7.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A QUIT-CLAIM DEED

90-21 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.

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 - yes; Councilmember Cannata - yes; Councilmember Kovac - yes; and Councilmember Kiar - yes.

7.3 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXECUTION OF

90-22 AN AMENDMENT TO THE TOWN OF DAVIE FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA FOR COLLECTION OF

SOLID WASTE; PROVIDING FOR
EFFECTIVE DATE.

SEVERABILITY; AND PROVIDING AN

Town Clerk Jacobs read the ordinance by title only. Mayor Cox explained that this ordinance related to the transfer station on Reese Road and explained that due to its limited operation hours, people from the warehouses were being cited by Code Enforcement because other people were dumping on their property. She asked Mr. Mearns if he could ask Broward County to extend the hours. Mr. Mearns replied yes. Mayor Cox asked if anyone wished to speak for or against the ordinance. No one spoke.

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

7.4 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A QUIT-CLAIM
DEED

90-23 FROM JAMES B. CHAPLIN; CONVEYING CERTAIN PROPERTY FOR USE AS A
PUBLIC RIGHT- OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

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

7.5 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
APPROPRIATE

90-24 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.

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 Cannata 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 - yes; Councilmember Cannata - yes; Councilmember Kovac - yes; and Councilmember Kiar - yes.

7.6 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
APPROPRIATE

90-25 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.

Town Clerk Jacobs read the ordinance by title only. Mayor Cox explained that this ordinance related to the recycling program which should be in place by September. She asked if anyone wished to speak for or against the ordinance.

Art Lazear, 2120 SW 71 Way, spoke in favor of the ordinance.

Mayor Cox closed the public hearing.

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

Rezoning

7.7 ZB 4-1-90, Keith & Schnars, P.A./Deutsch and Invex Partnership, 4330 S. Pine Island Road (from NCA-1, NCRM-5, and NCPRD-5 to NCPRD-5) **P&Z BOARD RECOMMENDATION - Approval subject to the planning report**

Peter Deutsch, representing the petitioner, stated that the petitioner had agreed to provide, and construct, a recreational path between Calico Country and the Town's park. He added that the Declaration of Restrictions was being drafted and would be ready for second reading on 07/18/90.

Councilmember Kiar asked if the Town had funds to develop the park. Mr. Mearns replied no. Councilmember Kiar asked if the petitioner could assist in any way. Mr. Deutsch replied that the petitioner would have to pay recreational impact fees. He stated that the petitioner would like to take fill from the Town's property and develop it as a passive park, as there was approximately \$100,000 worth of fill on the site. He explained that the fill on the park site could be replaced with the muck from the subject site, which was adequate for a passive park. Arnold Ramos, Keith and Schnars, explained that muck was topsoil that was not usable as a building base.

Robert Rawls, Director of Development Services, read the planning report (recommendation: Development Services - approval subject to conditions as outlined in the planning report; P & Z Board - approval subject to conditions as outlined in the planning report).

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

Chris O'Toole, 8401 SW 41 Court, President of the Calico Country Homeowner's Association, stated that he had not heard anything negative about the residential development.

Patti Reid, 8280 SW 41 Court - Calico Country, spoke in favor of the rezoning. She felt that the most positive point was that the road easement through Calico Country would not be utilized as a road but would be dedicated to the Calico Country Homeowner's Association for use as a path to the park. She added that she had not heard any negative comments, only positive.

Mayor Cox closed the public hearing.

Councilmember Kovac asked if the petitioner had met with residents of the Reflections community. Mr. Deutsch replied that a meeting had been held on 06/19/90 and the residents were satisfied.

Councilmember Cannata made a motion, seconded by Vice-Mayor Morrall, to approve the rezoning subject to conditions as outlined in the planning report. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - yes; Councilmember Cannata - yes; Councilmember Kovac - yes; and Councilmember Kiar - yes.

7.8 ZB 5-2-90, Keith & Schnars, P.A./Deutsch and Invex Partnership, 4360 S. Pine Island Road (from NCA-1 and CC-U to CC-B3) **P&Z BOARD RECOMMENDATION - Approval subject to the planning report**

Peter Deutsch, representing the petitioner, was present. Mr. Rawls read the planning report (recommendation: Development Services - approval; P & Z Board - approval subject to conditions as outlined in the planning report).

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

Al Tyler, 8090 SW 19 Court, spoke against the rezoning. He felt that anything that would increase density was not needed, especially a gas station.

Dr. Carl J. Meyer, DVM, 10441 Orange Drive, spoke against the rezoning. He felt that commercial projects should not be located on Orange Drive.

Chris O'Toole (8401 SW 41 Court) stated that he had not heard any negative comments about the gas station. He expressed concern that the term "retail" was too vague and could allow a 7-11 type of convenience store. He added that he did not want a gas station conducting repair work. Mr. Deutsch stated that the proposed Declaration of Restrictions would prohibit any type of automotive repair and that he was willing to further restrict convenience stores.

Patti Reid, 8280 SW 41 Court, spoke in favor of the gas station and felt that it would be very convenient for the surrounding residents.

D.P. Wetzel, 8371 SW 41 Court, spoke in favor of the project and felt that the gas station would be convenient for the residents.

Mayor Cox closed the public hearing.

Councilmember Kiar stated that did not want to see a gas station on Orange Drive but asked about its appearance if it was approved. Mr. Deutsch stated that this was the only parcel between University Drive and old Pine Island Road that was not land used or zoned commercial. He stated that Pine Island Road and Griffin Road would be double six lane intersections at some time in the future. He stated that the gas station would be compatible with the area. Councilmember Kiar asked Dave Felton, agent for Chevron, if he would work with the Town to make the gas station fit in with the community. Mr. Felton replied yes and stated that Chevron was a good corporate citizen. He stated that Chevron was liberal in the outlook of architectural treatment and was willing to work with the Town. He added that Councilmember Kovac took him to the Mobil station to show him what the Town liked.

Councilmember Kovac asked if there would be an 80 foot setback on Orange Drive. Mr. Deutsch replied yes.

Mr. Deutsch explained that this area was in a compact deferral area and that the petitioner would have to prove to the County, in an action plan, that any additional trips put on the roadway from this site would be taken off.

Councilmember Kovac stated that she didn't want to see a gas station in the area and hoped that Chevron would do everything possible to make the gas station palatable.

Vice-Mayor Morrall felt that the gas station/convenience store was more appropriate than a 7-11 but agreed with Councilmember Kovac that it should blend with the area.

Councilmember Cannata commended the petitioner for working with the residents.

Mayor Cox felt that Orange Drive being closed at University Drive would do more to preserve the residential nature of the area than anything that could be done on this corner.

Councilmember Kiar commended the petitioner for working with the residents even though he was not in favor of commercial zoning on Orange Drive.

Councilmember Cannata made a motion, seconded by Vice-Mayor Morrall, to approve the rezoning subject to staff recommendations and the declaration of restrictions.. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - yes; Councilmember Cannata - yes; Councilmember Kovac - yes; and Councilmember Kiar - no.

7.9 ZB 6-3-90, Keith & Schnars, P.A./Deutsch/Invex/Deutsch Partnership, 4340 S. Pine Island Road (from CC-U and NCRM-5 to CC-U) **P&Z BOARD RECOMMENDATION - Approval subject to the planning report**

Peter Deutsch, representing the petitioner, was present. Mr. Rawls read the planning report (recommendation: Development Services - approval; P & Z Board - approval subject to conditions as outlined in the planning report).

Mayor Cox asked if anyone wished to speak for or against the rezoning. No one spoke.

Mr. Deutsch explained that the Declaration of Restrictions would limit the site to having only the existing building.

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 - yes; Councilmember Cannata - yes; Councilmember Kovac - yes; and Councilmember Kiar - yes.

7.10 ZB 6-4-90, Ferrante/Davis, 5301 S. University Drive (from CC-B1 to CC-B3) **P&Z BOARD RECOMMENDATION - Approval subject to the planning report**

Bill Ferrante, the petitioner, was present. Mr. Rawls read the planning report (recommendation: Development Services - approval subject to conditions as outlined in the planning report; P & Z Board - approval subject to conditions as outlined in the planning report).

Mayor Cox asked if anyone wished to speak for or against the rezoning. No one spoke.

Councilmember Kovac made a motion, seconded by Councilmember Kiar, to approve the rezoning subject to the declaration of restrictions and other staff recommendations. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - yes; Councilmember Cannata - yes; Councilmember Kovac - yes; and Councilmember Kiar - yes.

7.11 ZB 6-5-90, Mager/Star Enterprise, 2398 S. University Drive (from B-2, Old Code to CC-B2) **P&Z BOARD RECOMMENDATION - Denial**

Gerald Mager, the petitioner, gave a background report on the site. He stated that the requested zoning was consistent with the CC-B2 zoning and that many of the parcels in this area that were zoned the old B-2 may be rezoned to the new CC-B2 by the Town anyway. He stated that although concurrency should not be an issue at a rezoning hearing, the applicant was aware that traffic concerns would have to be addressed during the plat process.

Alan Tinter, Tinter Associates - transportation engineering company, presented renderings of existing traffic patterns. He explained that improvements to Nova Drive would not be possible until dedication of additional right-of-way from the Star Enterprise plat.

Mr. Rawls read the planning report (recommendation: Development Services - approval; P & Z Board - denial).

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

Will Harmon, 7001 NE 8 Drive - Boca Raton, stated that he had a small portion of ownership in the Shell station at Nova and University Drives. He felt that the rezoning should not be approved for reasons such as: no need due to nine existing stations within a two mile radius, increased traffic, decrease in safety, and non-maintained stations due to less profit from having four stations in the area.

Chris Cheetham, 13531 SW 10 Place (owner of Nova Shell), spoke against the rezoning. He presented and explained a map he had drafted of the intersection after contacting Broward Traffic Engineering for figures.

Glenn Henderson, 4431 SW 64 Avenue, stated that staff correctly recommended approval of the rezoning based on the old zoning classification and requirements dictated to the Town by the Comprehensive Land Use Plan. He stated that the Planning and Zoning Board's recommendation of denial was not based upon economic considerations or complaints of competition, rather, the effects of the zoning on the parcel and the uses available to the parcel by the particular zoning. He felt that the rezoning would adversely effect living conditions due to the many residents who must gain access to University Drive on a daily basis. Mr. Henderson felt that the rezoning would decrease property values and have a substantial impact on traffic problems. He stated that there were two alternatives: 1) if the CC-B2 zoning was appropriate, limit the use to an outparcel of the shopping center area and not as a parcel available to University and Nova Drives; and 2) or allow a zoning of CC-B1, or a lighter intensity use, which would not have the volume of impact on the roadways and community.

Ray Rupelli, 2270 Nova Village Drive, spoke against the rezoning and hoped that this situation, four gas stations and five convenience stores on the same block, never occurred again. He added that a cut was supposed to be put into the median on Nova Drive to help with the traffic problem, which had not been done.

Scott Plante, 1301 SW 120 Way, spoke against the rezoning as he felt the traffic was already too congested.

Al Tyler, 8090 SW 19 Court, spoke against the rezoning as he felt there were enough gas stations in the area and that the traffic was already too congested. He suggested that someone construct a gas station on Alligator Alley instead.

Mayor Cox closed the public hearing.

Mr. Tinter stated that after the rezoning occurred, the plat would take place and the Town and County would require the traffic impact from the site to be mitigated. He reiterated that improvements to Nova Drive, such as a westbound turn lane, would not be possible until dedication of additional right-of-way from the Star Enterprise plat. He added that of all the uses permitted in the B-2 zoning district, gas stations generated the least traffic.

Mayor Cox asked when traffic improvements would be made to Nova Drive if the rezoning was approved. Mr. Mager replied that either an action plan, showing what would be done to satisfy the traffic problems, or the actual improvements would be done at the time of platting. Mayor Cox asked if there would be a schedule of when the improvements would be started and finished. Mr. Tinter replied yes and explained that there would have to be a developer's agreement between the developer and the County or Town.

Councilmember Cannata stated that items such as what would be on the subject site, traffic, and economics should not be discussed at this time, only the rezoning request. He stated that legally, the Council had no choice but to approve the rezoning as the owner was entitled to the highest and best use for the property. Councilmember Cannata stated that there had been a traffic increase from 12,000 to 70,000 since 1987 and that the owners of the Shell station should not be worried about where the additional 750 cars would come from for their business. He added that they should have been just as concerned about SW 30 Street which took away much of the business. Councilmember Cannata felt that University Drive was now a pleasure to drive on, although it was still congested at Orange Drive during the rush hour.

Councilmember Kiar asked if it was true that the Council had to approve the rezoning. Mr. Webber replied that the applicant currently had the "old, old zoning," which was obsolete and not in compliance with the Comprehensive Plan; therefore, the applicant was entitled to have the property rezoned. He added that staff had concluded that the requested zoning category was the appropriate one and was consistent with the surrounding areas. Mr. Webber stated that the applicant would have the right to seek recourse if the request was denied. He explained that the property should have been changed to the B-2 zoning by the Town when the new zoning code was adopted in 1981, but the subject site had been under a moratorium and was not.

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

Variance

7.12 V 6-1-90, McLaughlin Engineering Co./Forest Ridge Community Development, Ltd., 3271 Beechberry Circle, (NC-PRD 3.6) **P&Z BOARD RECOMMENDATION - Approval**

Jim McLaughlin, the petitioner, explained that an eight inch mistake had been made by one of his survey crews. 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 variance. No one spoke.

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

Special Permits

7.13 SE 6-1-90, Ryan/Exotic Acres, Inc., 5701 SW 70 Avenue (A-1) **P&Z BOARD RECOMMENDATION - Approval subject to the eight current stipulations**

A.J. Ryan, the petitioner, explained that the original request for 30 months had been reduced to 21 months by the Town Council, that there been a delay due to a trucker strike, and that there had been time/day restraints, such as not being permitted to work on Saturday, Sunday, and certain hours during the day. He added that dredges broke down quite often, at which time all work had to stop and could not be made up on the weekends or evenings. Mr. Ryan stated that the residents were in support of the project as they wanted to preserve low density. He stated that the plat had been approved and recorded with 27 lots on 90 acres. Mr. Ryan added that many offers had been made for the lots, but that they were not yet on the market. He explained that the sale of off-site fill was necessary to finance aesthetic improvements such as the perimeter wall, parking, and landscaping. Mr. Ryan stated that there was no

desire to change the original proposal and six months would be needed to remove the rest of the fill (to be completed by 10/15/90).

Mr. Rawls read the planning report (recommendation: Development Services - no recommendation was given, however, should the requested extension be granted, staff recommended that the extension be subject to the eight current stipulations. Non-compliance with conditions would constitute grounds for revocation of the special permit; P & Z Board - approval subject to the eight current stipulations).

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

Louise St. Clair, 5710 SW 70 Avenue, stated that she would like to see the project completed as quickly as possible. She stated that the petitioner had complied with all time limits of operating the dredges and trucks.

Mayor Cox closed the public hearing.

Councilmember Cannata made a motion, seconded by Councilmember Kovac, to approve the special permit subject to the staff recommendations in the planning report. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - yes; Councilmember Cannata - yes; Councilmember Kovac - yes; and Councilmember Kiar - yes.

Resolution

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

R-90-169 TRANSMIT A LAND USE PLAN AMENDMENT TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS WITH APPROPRIATE RECOMMENDATIONS; AND PROVIDING AN EFFECTIVE DATE. (LA BC 89-3, 8101 SW 45 Street)

Mr. Rawls read the planning report (recommendation: Development Services - approval).

Mayor Cox asked if anyone wished to speak for or against the resolution. No one spoke.

Councilmember Cannata made a motion, seconded by Vice-Mayor Morrall, to recommend that the land use amendment be transmitted to the State with a recommendation to approve. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - yes; Councilmember Cannata - yes; Councilmember Kovac - yes; and Councilmember Kiar - no.

8. SITE PLANS

8.1 SP 11-3-89, Gulf Convenience/Wash, 5999 South University Drive (B-2) (tabled from 06/06/90) **SITE PLAN COMMITTEE RECOMMENDATION - Denial**

This item was tabled earlier in the meeting.

8.2 SP 4-2-90, Davie Towne Centre (Tri-County Square), 2340 S. University Drive (B-3) **SITE PLAN COMMITTEE RECOMMENDATION - subject to the berm being raised to 4-5 feet wherever possible and substitute trees if not loquat, buttonwoods, at a height of 12-15 feet if possible**

Chuck Buckalew, representing the petitioner, explained that a berm had been added to Nova Drive in addition to increasing tree heights and substituting some trees/shrubs. Mr. Rawls read the planning report (recommendation: Development Services - approval; Site Plan Committee - approval).

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

8.3 SP 4-5-90, NCNB National Bank, 4789 SW 148 Avenue (PUD) **SITE PLAN COMMITTEE**
RECOMMENDATION - Approval

Greg Krenik, representing the petitioner, explained the tile samples and sign color. Mr. Rawls read the planning report (recommendation: Development Services - approval; Site Plan Committee - approval).

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

8.4 SP 4-7-90, Carlton Estates, 3490 SW 136 Avenue (A-1) **SITE PLAN COMMITTEE**
RECOMMENDATION - Approval

Joe Kolb, representing the petitioner, stated that the only items being considered at this time were the entrance feature and tennis courts. 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 Kiar made a motion, seconded by Vice-Mayor Morrall, to approve. In a roll call vote, the vote was as follows: Mayor Cox - yes; Vice-Mayor Morrall - yes; Councilmember Cannata - yes; Councilmember Kovac - yes; and Councilmember Kiar - yes.

9. APPOINTMENTS

9.1 Site Plan Committee (2 - Councilmembers; 2 - Planning & Zoning Board Members; 1 - Citizen)

Mayor Cox stated that the Planning and Zoning Board selected Frank D'Andrea and Ed Matula as representatives to serve on the Site Plan Committee.

Councilmember Cannata made a motion, seconded by Councilmember Kiar to nominate Frank D'Andrea and Ed Matula as the Planning and Zoning Board representatives on the Site Plan Committee. In a voice vote, all voted in favor.

Councilmember Kiar made a motion, seconded by Councilmember Cannata to nominate Mayor Cox and Councilmember Kovac as the Town Council representatives on the Site Plan Committee. In a voice vote, all voted in favor.

Vice-Mayor Morrall made a motion, seconded by Councilmember Kiar to nominate D.P. Wetzel as the resident representative on the Site Plan Committee. In a voice vote, all voted in favor.

9.2 Unsafe Structures Board (Plumbing Contractor)

Mayor Cox asked if the Council knew any plumbers who may be interested in serving on the Unsafe Structures Board. Councilmember Kovac stated that she knew someone she could ask. Mayor Cox requested that this item be placed on the next agenda.

10. DISCUSSION

10.1 Town Administrator's Report

HUCK LILES. Mr. Mearns stated that he would be presenting development costs and a conceptual site plan for the Huck Liles property at the next Council meeting, which was Monday, 07/02/90. He felt that a workshop should be scheduled at the 07/02/90 meeting instead of having a long discussion at that time. He added that the Community Redevelopment Agency would want to give input to the matter.

PUBLIC FORUM COMPLAINTS. Mr. Mearns stated that a special meeting had been held on 01/31/90, at which time many complaints were brought up. He stated that one problem that had been solved was the state of decline in the neighborhood of SW 38 Court. Mr. Mearns explained that the Town had formed an ad hoc committee to develop a plan based on input from the community, which was implemented in May and finished in June, consisting of swale restoration, the planting of sod, seeds, and trees, sidewalk improvements, and driveway access improvements. He added that he hoped to continue the project in other areas of eastern Davie. Mr. Mearns stated that another problem that had possibly been solved was the traffic problem at Flamingo Elementary School. He explained that he and some of the residents met with the School Board and presented alternatives, one of which, access off SW 133 Avenue, was approved.

ADVANCED SIGNAGE. Mr. Mearns stated that he had requested advanced signage on Orange Drive at Hiatus Road from Broward County.

WESTERN THEME. Mr. Mearns stated that the consultants were working on the western theme booklet. He explained that the Town wanted to depart from the existing booklet, which was a series of examples of what was permitted. Mr. Mearns felt that the new booklet, which consisted of a series of checklists, would give consistency to projects while giving flexibility to developers. He stated that almost all of Davie Road was zoned B-2 and that staff had considered an overlay district as many of the uses permitted in the B-2 zoning were not appropriate in terms of bulk issues, such as setbacks.

NEXT MEETING. Mr. Mearns reminded everyone that the next meeting would be on Monday, 07/02/90.

11. COUNCILMEMBER CANNATA

MCDONALD'S. Councilmember Cannata stated that McDonald's was not being torn down due to pressure from the Town, but due to realization by the management that a more attractive building in the western theme style would increase his business.

12. COUNCILMEMBER KIAR

HORSE PATROL. Councilmember Kiar thanked Edna Moore for the photograph of him sitting on the police horse, Skipper. He added that he hoped to see Skipper and Susie, the Town's other police horse, on patrol more often as they symbolized what Davie stood for.

FLAG CEREMONY. Councilmember Kiar stated that he attended a moving flag ceremony and stated that he was proud of the Council's resolution condemning flag burning and desecration.

HILARY & BROOKE BIKE RALLY. Councilmember Kiar expressed sorrow at missing the bike rally but stated that his thoughts and sentiments were there.

BUS ACCIDENT. Councilmember Kiar stated that there had been an accident on State Road 84 involving a school bus with faulty brakes. He felt that mandatory vehicle inspections should be established.

ALPINE CENTER. Councilmember Kiar stated that this site was an eyesore, so he contacted a friend who was an Assistant U.S. Trustee, who filed a motion to lift the automatic stay relating to the bankruptcy proceedings, which would be heard on Monday, 06/25/90. He stated that a Councilmember would be needed to advise the judge of the deterioration of the building over the years and threat to the welfare of the community and stated that Councilmember Kovac would be the person to do so.

RUN-OFF VOTE. Councilmember Kiar stated that he had received many calls about what would happen if three people ran for one Council seat and a vote of 33%/33%/34% was received. He explained that many cities, such as Cooper City, had a run-off if less than 50% of the vote was won by one person. He asked the other Councilmembers to consider for discussion at the next meeting, amending the charter to mandate that anyone running for Council must capture at least 51% of the vote cast.

13. COUNCILMEMBER KOVAC

PIONEER PARK. Councilmember Kovac stated that a lunchtime jazz concert had been held in Pioneer Park and felt that it was a good event for downtown Davie.

BRIDGE. Councilmember Kovac stated that she had received a firm commitment that the bridge at Orange Drive and Griffin Road would be started 08/01/90.

COMMITMENT. Councilmember Kovac stated that this had been an evening for commitment: McDonald's had made a commitment to the downtown area by spending a lot of money to make an attractive western theme building; a developer had made a commitment to deliver a very nice product in the SW 70 Street area; and a petroleum company had made a commitment to help protect the integrity of a neighborhood.

14. VICE-MAYOR MORRALL

ABSENCE. Vice-Mayor Morrall stated that he had missed many events due to his absence, such as the bike rally and the Boy Scout t-shirt presentation to the Council.

ROLLING HILLS. Vice-Mayor Morrall stated that Steve Smith, the Town's Economic Development Director, attended the Hanover Trade Fair in Germany to obtain international business for the Town. He stated that the Japanese had purchased Rolling Hills, who he felt would make it a "top notch" resort.

TEEN CENTER. Vice-Mayor Morrall stated that although a teen center had not yet been found, no one was giving up because the kids needed a place to go, especially while they were out of school.

15. MAYOR COX

COMPOST PLANT. Mayor Cox stated that the Environmental Quality Control Board meeting was scheduled for 7:00 p.m., 06/27/90 and the Town had one hour to state its position. She asked that anyone with complaints about the compost plant be at the meeting to voice them.

BIKE RALLY. Mayor Cox stated that there were approximately 200 riders at the bike rally. She stated it was a fun event and a good way to see the neighborhood.

FOUNDERS DAY PARADE. Mayor Cox stated that she rode in Cooper City's Founders Day Parade. She stated that she had a nice time and that Cooper City was a good neighbor.

COMMENDATIONS. Mayor Cox stated that she received a nice letter regarding the firefighters and their functioning at a car fire at Nova University. She commended Chief Donati and his staff. Mayor Cox stated that she received a nice letter complimenting Mr. Buskin and the Code Enforcement Department on a job well done.

GAZEBO. Mayor Cox stated that the canal bank gazebo was coming along and felt that it would be an asset to the Town, as were the gazebos downtown.

POLICE OFFICERS. Mayor Cox stated that some of Davie's Police Officers were honored at the Chamber meeting.

16. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:58 p.m.

APPROVED _____

Mayor/Councilman

Town Clerk