

**CITY OF COOPER CITY
CITY COMMISSION MEETING
JANUARY 28, 2014**

1. PLEDGE OF ALLEGIANCE

Mayor Ross called the meeting to order at 6:30 p.m. and led the assembly in the Pledge of Allegiance.

2. ROLL CALL

Present were Commissioners Green, Curran, Sims, Mallozzi and Mayor Ross.

3. CHANGES TO AGENDA/EMERGENCY MATTERS

MOTION: Request for the removal of Item 10A in order to review the subject in a workshop setting.

**Moved by Commissioner Curran. Seconded by Commissioner Green.
Motion passed 4-1 with Commissioner Sims dissenting.**

4. ANNOUNCEMENTS/PRESENTATIONS

Mayor Ross made the following announcements:

- The annual Valentine's group ceremony event, "Say I Do, Again" will be held on Friday, February 14th at 6:30 p.m. at City Hall. Call for reservations by February 11th.
- The Community Cabaret will take place on February 21st @ 6:30 p.m. Tickets will be available beginning February 5, 2014
- The upcoming notable dates are as follows:
 - The next Regular Commission Meeting will be held on February 11th at 6:30 p.m.
 - City Hall will be closed in observance of President's Day on Monday, February 17th.
 - The GoLocal Commission Workshop will take place on Wednesday, February 19th at 6:30 p.m.
 - The final Regular Commission Meeting for the month of February will be held on February 25th at 6:30 p.m.
- Cooper City High School's *Annual Ethical Decision Making in the Workplace and Society Symposium* will be officiated by Mayor Ross on January 30th at City Hall.

Commissioner Mallozzi made the following announcements:

- Girl Scout Troop #10765 continues to collect household linens and bedding materials for the Humane Society of Broward County. Contact Collette at 305-970-8284.
- Support military personnel stationed overseas through www.forgottensoldier.org

- The Davie/Cooper City Relay for Life will take place on April 4th and 5th at Cooper City High School. Contact Mike D'Miranda at cgcop23@gmail.com

Commissioner Sims announced that he does not agree with the removal of Item 10A and questioned the conduct of the Commission on this matter and regarding a meeting held in 2012.

Commissioner Curran responded to allegations made by Commissioner Sims.

MOTION: To adjourn.

Moved by Mayor Ross. Seconded by Commissioner Green.

Motion failed unanimously.

Commissioner Green responded to allegations made by Commissioner Sims.

Commissioner Mallozzi responded to the vote to remove Agenda Item 10A and the scheduling of a future workshop.

Mayor Ross commented on the workshop procedure and general meeting decorum.

5. AGENDA CONCERNS

Ed Wooley 11038 Nashville Drive, recommended Phyllis Williams for appointment to the post of Cooper City District Fire Chief.

Howard Meltzer, 9770 SW 55th Court, opined that David Donzella should have been named Cooper City District Fire Chief on January 14, 2014.

Skip Klauber, 10241 Guatemala Street, commented regarding the minutes from Commission Meetings and on the posting of notices to announce public meetings.

6. CONSENT AGENDA

A. Minutes

1. January 9, 2014 – Workshop Meeting – Sidewalks and Driveways

B. Resolutions

Approving an Interlocal Agreement for Go Solar Building Permit Related Services – **Res. No. 14-1-3**

C. Financial Matters

1. Approving Task Order #13 with AECOM Technical Services, Inc. to perform the first phase of design of a pretreatment system for the City's deep injection well.
2. Approving the purchase for the hauling and disposal of services from H & H Liquid Sludge Disposal Inc.

MOTION: To approve the Consent Agenda.

Moved by Commissioner Sims. Seconded by Commissioner Curran. All aye on roll call vote. Motion passed.

7. LAND DEVELOPMENT MATTERS

Mayor Ross opened the Public Hearing and administered an oath to all those in attendance wishing to speak on the matter.

Atty. Wolpin read the ordinance by title and asked for disclosure of all ex-parte' communication.

Living Word Open Bible Church, Located at 8900 Stirling Road, rezoning from Broward County I-1 (Institutional District) to Cooper City X-1 (Civic District)

Quasi-Judicial Hearing on First Reading of an Ordinance Rezoning the Living Word Open Bible Church Property - Petition #Z 9-1-13 – **Ord. No. P14-2**

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, APPROVING A REZONING FROM BROWARD COUNTY I-1, INSTITUTIONAL ZONING DISTRICT, TO COOPER CITY X-1, CIVIC ZONING DISTRICT, OF THE PROPERTY DESCRIBED IN SECTION 2 OF THIS ORDINANCE, AND GENERALLY LOCATED SOUTH OF STIRLING ROAD, WEST OF NW 89TH AVENUE, EAST OF NW 89th WAY AND NORTH OF NW 38th STREET; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

Ex-parte' Disclosure

Commissioner Green:	Ms. Oreshefsky (and City staff)
Commissioner Curran:	Ms. Oreshefsky (and City staff)
Commissioner Sims:	Members of the public who's names could not be recalled – he requested that those in attendance raise their hands for recognition.
Commissioner Mallozzi:	Michelle Kiernan, Debbie Oreshefsky, Diane Sori, representatives from FDOT, Shelly Eichner, David Nall and Jeff Maxwell (and City staff)
Mayor Ross:	Ms. Oreshefsky, Ms. Eichner (and City staff)

MOTION: To approve the Ordinance Rezoning the Living Word Open Bible Church Property to X-1, Civic District.

Moved by Commissioner Sims. Seconded by Commissioner Green.

Growth Management Director Matt Wood read the staff report relative to the petition, including a staff recommendation for approval of the rezoning request subject to approval of the Conditional Use, Site Plan Amendment and the Plat Amendment petitions as well as a recommendation for approval from the P&Z Board.

Debbie Oreshefsky introduced the circumstances surrounding the request for the rezoning petition and described the function and characteristics of the proposed use. She clarified that she would respond to comments from the public at the end of the public hearing.

Mayor Ross opened the floor for public testimony.

Paul Turner, 3902 NW 89th Way, recommended that the Commission reject this petition as the proposed school does not serve the Cooper City community, but rather draws the majority of its students from outside of the City.

William Billings, 3770 NW 89th Terrace, recommended the Commission reject the petition on first reading based on the original restrictive covenants of the church and other factors including potential noise that may be disturbing to the residents of the neighboring Diamond Head community.

Monique Bean, 3926 NW 89th Way, recommended the Commission reject the petition based on a lack of an emergency access analysis.

Gina Harris, 3830 NW 89th Way, asked that the Commission reject the petition on first reading based on traffic concerns that do not adhere to the Conditional Use stipulations, referencing County Ordinance 23-1-52.

Michael Sultzer, 5132 SW 121st Avenue, recommended approval of the petition based on the fact that the school currently operates a few miles to the east of this site with no negative impact on the community.

April Crook, 5132 SW 121st Avenue, and Curriculum Specialist at Lycee Franco American Academy, stated that noise concerns are inflated, clarified that there are a limited number of children out for recess at any one time and suggested that the sounds of children at play should not register as unbearable to the residents of Diamond Head.

Amy Heywang, 9851 NW 39th Street, suggested that the traffic study be thoroughly evaluated prior to consideration of the petition.

Mayor Ross closed the public input portion of the hearing.

Debbie Oreshefsky addressed the concerns of the residents of Diamond Head, explained that the traffic study, which revealed acceptable service levels, was conducted and accepted by staff and the City's consultant. She clarified that circulation issues will be raised and addressed within the Conditional Use and Site Plan Amendment petition hearings. She asked that this petition be passed on first reading and that the Conditional Use, Site Plan and the Second Reading of the Rezoning Petitions be delayed to the Commission Meeting of February 25th.

Motion passed 4-1 with Commissioner Mallozzi dissenting.

8. APPROVING APPOINTMENT OF DISTRICT FIRE CHIEF

MOTION: To approve the appointment of Chief Phyllis Williams to Cooper City District Fire Chief.

Moved by Commissioner Mallozzi. Seconded by Commissioner Sims. Motion failed 2-3 with Commissioners Green, Curran and Mayor Ross voting no.

9. ORDINANCE FOR FINAL READING AND PUBLIC HEARING

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 9 "BUSINESS TAXES", TO REASSIGN BUSINESS TAX DUTIES PREVIOUSLY ASSIGNED TO THE CITY CLERK TO THE CITY MANAGER'S DESIGNEE, AND REVISING ALL REFERENCES IN THAT CHAPTER TO THE TERM "CLERK" OR "CITY CLERK", TO THE "CITY MANAGER'S DESIGNEE", IN ORDER TO PROVIDE FOR CONFORMITY TO THE ASSIGNMENT OF DUTIES; DELETING OBSOLETE PROVISIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – **Ord. No. P14-1**

City Atty. Wolpin read the ordinance by title.

14. OPEN PUBLIC MEETING

This item heard at this time to comply with standard procedure.

Pastor Louis Olidares, 8950 Stirling Road, stated that his church, First Baptist Church of Cooper City, was asked by the City to apply for similar petitions and asked that the City find a way to streamline and expedite the process to make is easier for them to comply.

Bob Sands, 10582 Grove Place, commented on City procedures, the charter, public perception, precedents, communication, the duties of the City Commission and administration.

Skip Klauber, 10241 Guatemala Street, commented regarding meeting minutes, the Optimist organization and Ordinance 12-7-5.

Gladys Wilson, 5155 SW 90th Avenue, commented regarding the appointment of a Fire Chief, meeting minutes, the City Charter and the City Attorney.

Noreen Gilman, 11771 SW 52nd Court, implored the City to fund programs through the Senior Citizen Advisory Board.

Pete D'Aversa, 5712 SW 118th Avenue, commented regarding traffic patterns around schools and the absence of traffic control and suggested a committee be formed to address the traffic issues around the schools.

Gina Harris, 3830 NW 89th Way, reiterated her concerns regarding traffic and referenced County Ordinance 23-1-52 and the fact that the traffic study did not include the application from First Baptist Church.

Monique Bean, 3926 NW 89th Way, disagreed with the responses from Living Word Open Bible Church to the stipulations presented to them by the City and explained that her community would be adversely affected by the increased activity and the traffic that the school would bring.

Paul Turner, 3902 NW 89th Way, clarified that the X-1 zoning district with the supplemental regulation under 23-95A is clear as to the users and that the population of the students is in contradiction to this stipulation.

Walt Jolliff, 11095 Bismarck Place, commented regarding military ranks, his personal military experience, the appointment of a new Fire Chief and the criteria by which that person should be selected.

MOTION: To approve the Ordinance amending the Chapter 9 of the Municipal Code of Ordinances.

Moved by Commissioner Sims. Seconded by Commissioner Green.

Gladys Wilson, 5155 SW 90th Avenue, commented regarding the workload of the Building Department and the function of the City Clerk's Office, questioning the radical change and the lack of a thorough explanation as to why the change is necessary.

Skip Klauber, 10241 Guatemala Street, commented regarding the duties of the City Clerk's Office, the City Attorney's opinions, posting and noticing of meetings, the constitution of minutes and Sunshine Law.

All aye on roll call vote as to the motion. Motion passed.

10. DISCUSSION AND ACTION

A. Item previously removed.

B. Request to set a workshop to discuss and review the Cooper City/Cooper City Optimist Resolution 12-7-5 – **Commissioner Curran**

MOTION: To approve setting a future workshop date.

Moved by Commissioner Mallozzi. Seconded by Commissioner Curran. All aye on roll call vote. Motion passed.

C. Discussion and direction regarding sidewalks and driveways – **Commission Directive**

City Manager Loucks summarized previous discussions which led to the request for Commission direction. Based on Commission input, he explained that two ordinances will be brought forward at a future meeting utilizing the criteria set forth by this discussion.

D. Discussion and direction regarding the Education Advisory Board – **Mayor Ross**

MOTION: To reduce the size of the membership of the board to allow for increased opportunity to meet quorum requirements.

Moved by Commissioner Green. Seconded by Commissioner Sims.

Unanimous consensus was reached to direct staff to create an Ordinance to repeal the original Code sections creating the Education Advisory Board and the Recreation Advisory Board and to re-create those two Boards via Resolutions, with reduced membership and quorum requirements.

11. POLICE CHIEF'S REPORT

Chief Cates reported that the Sheriff's Posse will be present at Soccerfest on February 8th, that the turn-out is expected to be the largest to date and deputies will be on hand patrolling the area. He advised parents to keep their children within their sight at all times and to keep their cars lock and their valuables hidden from sight.

12. FIRE CHIEF'S REPORT

Interim Chief Keefe reported that Whole Foods had provided a complimentary training course on cooking and preparing healthy food choices in an effort to reduce the potential for heart disease, which is the leading mortality factor in firefighters.

13. CITY MANAGER REPORT

None.

15. COMMISSIONERS' CONCERNS/REPORTS

Commissioner Green commented regarding Commission conduct during disagreements, he asked that all members conduct themselves with civil decorum and explained that he would submit to the highest scrutiny as his intentions are carried out with the utmost integrity for the good of the community.

Commissioner Curran apologized for participating in an argument on the dais, welcomed Interim Chief Keefe to the Fire Department and asked that the purchase of a previously funded rescue vehicle be placed on the next agenda for discussion and action. He provided an update regarding the construction at Cooper City High School and reported on the estimated completion date.

Commissioner Sims apologized for his participation in an argument on the dais, commented on Commissioner Green's statement, Commission Meeting procedure, administrative duties, the City Attorney and his firm and meeting minutes.

Commissioner Mallozzi commented regarding arguments on the dais, attendance at community events and thanked Pete Schlang for his participation and contribution to the community.

Mayor Ross thanked Mr. Schlang for his contribution and explained that he hoped to maintain the City's cohesive relationship with the Cooper City Optimist organization. He reported that he attended the Conference of Mayors

in Washington, D.C., asked for the Senior Citizens Advisory Board to present the Commission with any specific requests they have, responded to a comment from Commissioner Sims and spoke to argumentative behavior on the dais.

16. ADJOURNMENT

The meeting was adjourned at 10:17 p.m.

NOTICE: This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 954-434-4300 ext. 220, not later than two days prior to such proceeding. One or more members of the City of Cooper City Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Cooper City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed online at www.coopercityfl.org or at the Office of the City Clerk, City of Cooper City, 9090 SW 50 Place, Cooper City, Florida, 33328, 954-434-4300.