

**CITY OF COOPER CITY  
CITY COMMISSION MEETING  
FEBRUARY 25, 2014**

**1. PLEDGE OF ALLEGIANCE**

Mayor Ross called the meeting to order at 6:30 p.m. and Griffin Elementary School Student Body President Rowan Hudson led the assembly in the Pledge of Allegiance.

**2. ROLL CALL**

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

**3. CHANGES TO AGENDA/EMERGENCY MATTERS**

City Manager Loucks announced the following three changes to the Agenda:

- A. Remove Item 6C2** due to bid protest.
- B. Remove Item 8B** at petitioner's request.
- C. Move Item 8C** to be heard at the beginning of the Land Development Items

**MOTION:** To approve the changes to the Agenda.

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

**4. ANNOUNCEMENTS/PRESENTATIONS**

Mayor Ross made the following announcements:

- Tip-A-Cop to benefit the Special Olympics will be held at Beef O'Brady's on Wednesday, February 26, 2014 from 6:00 p.m. to 9:00 p.m.
- The Community Garage Sale will be held on Saturday, March 1<sup>st</sup> in the Cooper City Sports Complex from 7:00 a.m. until noon.
- There will be Affordable Care Act 101 Workshops offered by the League of Women Voters at participating Broward County Libraries.
- The Community Book Swap will be held on Friday, March 7<sup>th</sup> from 6:00 p.m. to 7:30 p.m. in the Community Center.
- The Annual Cooper City Richardson 5K Run/Walk will be held on Sunday, March 9<sup>th</sup> at the Cooper City Sports Complex beginning at 8 a.m.
- The March Regular Commission Meetings will be held on Tuesday, March 11<sup>th</sup> at 6:30 p.m. at Tuesday, March 25<sup>th</sup> at 6:30 p.m.
- The Optimist Baseball Travel Teams are offering coupon booklets worth \$400.00 for a \$20.00 donation.

Commissioner Mallozzi complimented the "Say, 'I Do' Again" event and 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](http://www.forgottensoldier.org)
- The Davie/Cooper City Relay for Life will take place on April 4<sup>th</sup> and 5<sup>th</sup> at Cooper City High School. Contact Mike D'Miranda at [cgcop23@gmail.com](mailto:cgcop23@gmail.com)

Commissioner Curran announced that the demolition of the original façade at Cooper City High School will be completed on Monday, March 3<sup>rd</sup> from 4:00 p.m. to 6:00 p.m. and the public is welcome to attend.

Mayor Ross added that the Cooper City CERT Team participated in the Orange Blossom Parade this past weekend.

Frank DiPaolo from the Government Finance Officers Association presented Finance Director Horacio Montes de Oca with a Certificate of Achievement for the 24<sup>th</sup> consecutive year for Excellence in Financial Reporting.

## **5. AGENDA CONCERNS**

Helen Graham, 5747 SW 89<sup>th</sup> Way, requested a workshop to be held with all of the lessees of spaces in the City's storage lots.

Marian Edwards, 5631 SW 116<sup>th</sup> Avenue, requested a workshop among all concerned parties regarding the City's storage lots.

## **6. CONSENT AGENDA**

### **A. Minutes**

February 11, 2014 – Regular Meeting

### **B. Home Local Business Tax Receipts**

Brayton Marketing, Juliane Brayton, 4119 Lansing Avenue, Marketing Consulting

### **C. Financial Matters**

1. Approving the second one-year renewal of the contract with Solid Resources, Inc. for Disaster Management & Recovery Services.
2. Approving a contract renewal with Grau and Associates to provide auditing services to the City for the next two fiscal years.
3. Awarding Bid #2014-3-PW to Phil's Expert Tree Service for Arboricultural Services. **(previously removed – see Item 3A)**
4. Awarding Bid #2014-2-UTL to Killebrew, Inc. for the replacement of water mains in the Timberlake neighborhood.

**MOTION:** To approve the consent agenda [with the exception of Item 6C3].

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

**7. APPROVING APPOINTMENT OF DISTRICT FIRE CHIEF**

**MOTION:** To approve the appointment of Chief Bruce Caruso to Cooper City District Fire Chief.

**Moved by Commissioner Green. Seconded by Commissioner Curran. Motion passed with Commissioners Green, Curran, Mallozzi and Mayor Ross voting yes and Commissioner Sims voting present.**

**8. LAND DEVELOPMENT MATTERS**

**Item 8C taken out of order (previously moved – see Item 3C)**

- C. Mill Creek at Cooper City, generally located on the west side of Southwest 106<sup>th</sup> Avenue at Southwest 55<sup>th</sup> Street  
Quasi-Judicial Hearing for Site Plan Amendment #SPA 8-1-13 –  
Res. No. 14-2-5**

**Mayor Ross opened the hearing. There were no parties intending to give testimony.**

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING DEVELOPMENT ORDER NO. 14-3R TO MILL CREEK AT COOPER CITY, FOR SITE PLAN AMENDMENT #SPA 8-1-13, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE."

**Ex-parte' Disclosure**

**None**

Matt Wood summarized the staff report relative to the petition, including recommendations for approval from the Development Review Committee (DRC) and the Planning and Zoning Board.

**Mayor Ross closed the public hearing.**

**MOTION:** To approve the Resolution granting Development Order No. **14-3R** to Mill Creek at Cooper City, pursuant to the stipulations contained in the staff report.

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

- A. 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)**

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

**Mayor Ross opened the quasi-judicial portion of the hearing and administered an oath to all parties intending to give testimony.**

City Atty. Wolpin read, "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."

Matt Wood summarized the staff report relative to the rezoning petition, including a recommendation for approval from staff for the rezoning request subject to approvals of the Conditional Use, the Site Plan Amendment and the Plat Amendment and a recommendation for approval from the Planning and Zoning Board.

**Ex-parte' Disclosure**

Commissioner Mallozzi:	Debbie Oreshefsky, Shelly Eichner, residents of Diamond Head, Diane Sori, David Nall and Michelle Stern.
Commissioner Sims:	Debbie Oreshefsky
Commissioner Curran:	Debbie Oreshefsky and Mr. Ortiz
Commissioner Green:	Debbie Oreshefsky, Mr. Ortiz (and staff)
Mayor Ross:	Ms. Oreshefsky, (City staff), and those in attendance at the Diamond Head HOA meeting.

Debbie Oreshefsky, counsel for Living Word Open Bible Church, presented the four petitions before the Commission. Also present on behalf of the petitioner were Shelly Eichner, Scott Meyer, Karl Francis and Jacqueline Hoy.

Matt Wood summarized the additional staff reports relative to the related petitions, including recommendations for approval of the Conditional Use Petition from staff subject to approval of the Rezoning, the Site Plan Amendment and the Plat Amendment petitions and specific stipulations contained within the staff report and a recommendation for approval from the Planning and Zoning Board.

He then provided a summary of the staff report relative to the Site Plan and Plat Amendment petitions, including a recommendation for approval from the DRC subject to Commission approval of the rezoning and conditional use petitions and approval of the Water & Sewer Agreement, including stipulations and a recommendation for approval from the Planning and Zoning Board.

Ed Wooley, 11038 Nashville Drive, recommended approval of the related petitions without additional restrictions.

Joy Williams, 10701 N Saratoga Drive, recommended approval of the related petitions.

Anmarie Anaje, 3505 NW 89 Terrace, recommended approval of the related petitions.

Paul Turner, 3902 NW 89 Way, expressed objections to the related petitions.

Cesar Ortiz, 3806 NW 89 Way, expressed objections to the related petitions and asked the Commission to postpone a vote until stipulations contained within the restrictive covenants may be addressed.

William Billings, 3770 NW 89 Terrace, added objections to approval of the petitions until counsel for the opposition may be secured.

Ken Williams, 10701 N Saratoga Drive, spoke in favor of approval of the petitions.

Karim Hala, 4083 NW 87 Avenue, spoke in favor of approval of the petitions.

Claudette Mendez, 10339 Quito Street, spoke in favor of approval of the petitions.

Jacqueline Hoy, President of Lycee Franco American Academy, requested the Commission's approval of the related petitions.

April Crook, 5132 SW 121 Avenue, requested approval of the petitions on behalf of the petitioner.

Michael Sultzer, 5132 SW 121 Avenue, requested approval of the petitions on behalf of the petitioner.

Carline Sanz, 2611 Solano Avenue, Apt. 107, spoke in favor of approval of the petitions.

Monique Bean, 3926 NW 89 Way, spoke in opposition of approval of the petitions based on noise level concerns.

Mark Hansen, 3814 NW 82 Drive, spoke in favor of approval of the petitions.

Des Quan, 3904 NW 88<sup>th</sup> Terrace, requested additional restrictions be imposed to buffer the noise.

**Mayor Ross closed the quasi-judicial hearing.**

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

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

**2. Conditional Use Petition #CU 9-1-13 – Res. No. 14-2-2**

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING A CONDITIONAL USE PETITION #CU 9-1-13 FOR LIVING WORD OPEN BIBLE CHURCH LOCATED AT 8900 STIRLING ROAD; AND PROVIDING FOR AN EFFECTIVE DATE."

**MOTION:** To approve the Conditional Use Petition, pursuant to the stipulations contained in the staff report.

**Moved by Commissioner Curran. Seconded by Commissioner Sims.**

**MOTION:** To amend the Conditional Use to require the petitioner to add noise buffering fencing along the perimeter of their property between the school and the neighboring housing development.

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

**Motion passed 4-1 to approve the Conditional Use Petition as amended with Commissioner Mallozzi dissenting.**

**3. Quasi-Judicial Hearing for Site Plan #SPA 9-1-13 – Res. No. 14-2-3**

City Atty. Wolpin read, "A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING DEVELOPMENT ORDER NO. 14-1R TO LIVING WORD OPEN BIBLE CHURCH, FOR SITE PLAN AMENDMENT

#SPA 9-1-13, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE.”

**MOTION:** To approve the Resolution granting Development Order No. **14-1R** to Living Word Open Bible Church, pursuant to the stipulations contained in the staff report.

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

**4. Quasi-Judicial Hearing for Plat Amendment #PA 9-1-13 – Res. No. 14-2-6**

City Atty. Wolpin read, “A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ISSUING DEVELOPMENT ORDER NO. 14-4R TO LIVING WORD OPEN BIBLE CHURCH, FOR PLAT AMENDMENT #PA 9-1-13, SUBJECT TO THE STIPULATIONS CONTAINED WITHIN THE STAFF REPORT; AND PROVIDING FOR AN EFFECTIVE DATE.”

**MOTION:** To approve the Resolution granting Development Order No. **14-4R** to Living Word Open Bible Church, pursuant to the stipulations contained in the staff report.

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

**Note: Based on the removal of Item 8B,** the final version of this Resolution was renumbered to 14-2-4 and the related Development Order was renumbered to 14-2R.

- B. Nur-Ul-Islam of South Florida, Inc.,** Modular Library/Technology Unit, located at 10600 Southwest 59<sup>th</sup> Avenue  
Quasi-Judicial Hearing for Site Plan Amendment #SPA 7-1-13 – Res. No. 14-2-4 (**previously removed – see Item 3B**)

**14. OPEN PUBLIC MEETING**

Noreen S. Gilman, 11771 SW 52 Court, requested volunteers for the Seniors vs. Crime program which works to educate senior citizens about protecting themselves from fraud and is sponsored by the Florida Attorney General’s office.

Ed Wooley, 11038 Nashville Drive, complimented the Commission on their handling of the land development matters on the agenda and welcomed the new Fire Chief.

Debbie Schneider-Farmer, 10451 Buenos Aires Street, expressed her opposition to the credit card fee that is charged when you pay your water bill on-line.

**9. ORDINANCES FOR FINAL READING AND PUBLIC HEARING**

- A.** City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING SECTION 23-110 "ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS, OF CHAPTER 23 "ZONING CODE", IN ORDER TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS IN RESIDENTIAL AND COMMERCIAL STRUCTURES TO IMPLEMENT THE GO SOLAR BROWARD ROOFTOP CHALLENGE PERMITTING PROCESS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING FOR AN EFFECTIVE DATE."  
**MOTION:** To approve Ordinance P14-3 creating Section 23-110 of the Cooper City Code of Ordinances.  
**Moved by Commissioner Mallozzi. Seconded by Commissioner Green. All aye on roll call vote. Motion passed.**
- B.** City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CITY OF COOPER CITY GENERAL EMPLOYEES RETIREMENT PLAN (THE "PLAN") CODIFIED IN CHAPTER 2 "ADMINISTRATION" OF THE COOPER CITY MUNICIPAL CODE OF ORDINANCES TO ALLOW MEMBERS OF THE PLAN TO ENTER DROP AT ANY TIME AFTER THEY ARE ELIGIBLE FOR NORMAL RETIREMENT FOR A MAXIMUM OF FIVE YEARS; BY AMENDING ARTICLE XVI "DEFERRED RETIREMENT OPTION PLAN" OF SECTION 2-156; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE."  
**MOTION:** To approve Ordinance P14-4 amending Section 2-156 of the Cooper City Code of Ordinances.  
**Moved by Commissioner Curran. Seconded by Commissioner Mallozzi. All aye on roll call vote. Motion passed.**
- C.** City Atty. Wolpin read, "AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE III "PROPERTY MAINTENANCE" OF CHAPTER 6 "BUILDINGS AND BUILDING REGULATIONS," AT SECTION 6-36 "DEFINITIONS" AND SECTION 6-40 "MAINTENANCE STANDARDS" IN ORDER TO PROVIDE FOR ENHANCED MINIMUM STANDARDS FOR MAINTENANCE OF RESIDENTIAL DWELLINGS; AMENDING CHAPTER 21 "UNIFIED LAND DEVELOPMENT CODE" IN ORDER TO PROVIDE AN AMENDED DEFINITION OF FAMILY; AMENDING ARTICLE VI "ADMINISTRATION AND PROCEDURES" OF CHAPTER 23 "ZONING DISTRICTS" TO PROVIDE FOR A REASONABLE ACCOMMODATION PROCEDURE FOR RELIEF FROM THE ZONING AND DEVELOPMENT REGULATIONS TO ADDRESS THE RIGHTS OF PARTIES UNDER THE FAIR HOUSING AMENDMENTS ACT AND AMERICANS WITH DISABILITIES ACT; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE."  
**MOTION:** To approve Ordinance P14-5 amending Chapter 6, Chapter 21, and Chapter 23 of the Cooper City Code of Ordinances.

**Moved by Commissioner Sims. Seconded by Commissioner Mallozzi.**

**MOTION:** To table the item until the matter is addressed by the legislators.

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

**All aye on roll call vote to approve the ordinance. Motion passed.**

#### **10. DISCUSSION AND/OR ACTION**

Request to set a date for a workshop to discuss and review the storage lot issues brought forth by residents – **Commissioner Sims**

**MOTION:** To schedule a workshop to address the concerns of the of the storage lots.

**Moved by Commissioner Sims. Seconded by Commissioner Mallozzi.**

**MOTION:** To extend the commission meeting passed the time of 9:30 p.m.  
**Unanimous consensus was reached.**

**Motion passed 3-2 with Commissioner Curran and Mayor Ross dissenting.**

#### **11. POLICE CHIEF'S REPORT**

Chief Cates reported that two perpetrators of an armed robbery were apprehended immediately following the incident, announced the Tip-A-Cop event for Special Olympics, provided a date correction for the Chip-A-Pet event to March 29<sup>th</sup> and announced the Shred-A-Thon and Operation Medicine Cabinet event on April 12<sup>th</sup>.

#### **12. FIRE CHIEF'S REPORT**

Acting Chief Keefe thanked the Commission for the appointment of Chief Bruce Caruso to Cooper City, announced that the District's CPR attendance is at capacity and reported that he will be bringing a proclamation to the City supporting adoption and foster parenting on behalf of Leadership Broward and Child Net Services.

#### **13. CITY MANAGER REPORT**

City Manager Loucks announced the Board of County Commissioner's meeting on April 9<sup>th</sup> will include the compatibility hearing regarding the proposed Wal-Mart on the Spear's property on the corner of Pine Island Road and Stirling Road.

#### **15. COMMISSIONERS' CONCERNS/REPORTS**

Commissioner Sims expressed concern for the infrastructure throughout the City and the need for bridge inspections and thanked the Commission for their

support for a Storage Lot workshop. City Manager Loucks advised that funding for inspections of bridges in Cooper City will be included in the budget.

Commissioner Mallozzi thanked Chief Cates for his assistance with returning a loose dog to his home, thanked Acting Chief Keefe for his assistance during the transition, touted the Fraud Prevention Workshop, wished her son a belated happy birthday and congratulated the Cooper City Optimist Girls Under 8 Select soccer team on their championship.

## **16. ADJOURNMENT**

**The meeting was adjourned at 10:18 a.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](http://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.