



CITY OF COCONUT CREEK CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: October 25, 2018
Time: 7:00 p.m.

CALL TO ORDER

Mayor Rydell called the meeting to order at 7:07 p.m. He thanked Commissioner Belvedere for the evening's song selection, "Everything's Gonna Be Alright" by Bob Marley.

PRESENT UPON ROLL CALL:

Mayor Joshua Rydell
Vice Mayor Sandra L. Welch
Commissioner Rebecca A. Tooley
Commissioner Lou Sarbone
Commissioner Mikkie Belvedere
City Manager Mary C. Blasi
City Attorney Terrill C. Pyburn
City Clerk Leslie Wallace May

Mayor Rydell asked all to rise for the Pledge of Allegiance and to remain standing after the Pledge for a moment of silence in remembrance of Coral Springs Mayor Walter "Skip" Campbell.

PRESENTATIONS

1. **18-175** A PRESENTATION RECOGNIZING THE COCONUT CREEK POLICE DEPARTMENT'S ACHIEVEMENT OF ACCREDITED STATUS BY THE COMMISSION FOR FLORIDA LAW ENFORCEMENT ACCREDITATION, INC. (CFA).

Mayor Rydell thanked Police Chief Albert "Butch" Arenal and the Coconut Creek Police Department for their efforts in receiving the CFA accreditation.

2. **18-159** A PRESENTATION RECOGNIZING MR. LUCIANO CESARUO WITH A POLICE DEPARTMENT COMMENDATION.

Police Chief Arenal presented Mr. Luciano Cesaruo with a Police Department Commendation Award for his efforts to apprehend a suspect who grabbed a woman's handbag.

3. **18-154** A SWEARING-IN CEREMONY FOR NEW POLICE OFFICER AMANDA L. CUMMINGS.

Police Chief Arenal introduced Police Officer Amanda L. Cummings and invited her and her family to come forward for the swearing-in. The Oath of Office was administered by City Clerk May followed by the badge pinning.

4. 18-157 A PRESENTATION RECOGNIZING FOURTH QUARTER EMPLOYEE MILESTONE ANNIVERSARIES FOR FISCAL YEAR 2018.

Human Resources Manager Tim McPherson recognized the following employees who reached a milestone anniversary with the City during the fourth quarter of Fiscal Year 2018.

Five (5) Year Anniversary

George Jarboe, School Resource Officer, Police Department
Alice Millings, Bus Driver, Public Works
Bryan Smith, Maintenance Serviceworker I, Public Works
Dwayne Vanek, Chief Electrical Inspector, Sustainable Development
Terry Loray, Utility Serviceworker II, Utilities & Engineering

Ten (10) Year Anniversary

Robert Henry, Facilities Attendant, Parks & Recreation
Rafael Marin, Police Officer, Police Department
Adam Marts, Police Sergeant, Police Department

Twenty (20) Year Anniversary

Lenore Thomas, Parks & Recreation Supervisor, Parks & Recreation

Twenty-Five (25) Year Anniversary

Sharon Read, Senior Utility Billing Technician, Finance & Administrative Services
Virginia Korstjens, Administrative Assistant, Information Technology

5. 18-168 A PROCLAMATION RECOGNIZING NOVEMBER 10, 2018, AS "MENTAL HEALTH DAY."

Vice Mayor Welch read the Proclamation into the record. Members from the National Alliance on Mental Illness (NAMI) Broward County were in attendance to accept the Proclamation, including Edna Einhorn, Brenda Okyn, and Milton Einhorn.

6. 18-174 A PROCLAMATION RECOGNIZING OCTOBER 22-28, 2018, AS "FLORIDA CITY GOVERNMENT WEEK."

Commissioner Sarbone read the Proclamation into the record. Mayor Rydell thanked the Community Relations Department for their community outreach efforts to highlight City Government Week and the employees who participated.

INPUT FROM RESIDENTS OF COCONUT CREEK

There was no input from the residents.

Mayor Rydell implemented the Time Certain, and the City Manager Report, City Attorney Report, Commission Communications, and Consent Agenda were heard after the Regular Agenda.

Commissioner Tooley was excused and left the meeting at 7:47 p.m., which is reflected in the roll call vote for items heard after she was excused.

CITY MANAGER REPORT

City Manager Blasi had no report.

CITY ATTORNEY REPORT

City Attorney Pyburn commended Assistant City Attorney Eve Lewis for her work organizing the Constitution Revision Charter Changes and More Lunch and Learn for the Broward County Bar Association Government Section, working with Belinda Keiser, Carolyn Timman and Burnadette Norris-Weeks.

COMMISSION COMMUNICATIONS

The City Commission had no report.

CONSENT AGENDA (*Items 7 through 12*)

Mayor Rydell read each of the titles of the Consent Agenda items into the record.

Agenda Item 13 was pulled by Commissioner Sarbone.

7. **18-170** A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2018-0912S, 2018-0913WS, AND 2018-0917WS)

8. **RES
2018-245** A RESOLUTION SUPPORTING THE CLOSURE OF BROWARD COUNTY PUBLIC SCHOOLS ON ELECTION DAY OR THE RELOCATION OF VOTING PRECINCTS FROM BROWARD COUNTY PUBLIC SCHOOLS.

9. **RES
2018-182** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN INDEMNIFICATION AGREEMENT WITH LEDER HILLSBORO, LLC, PROVIDING THE CITY INDEMNIFICATION AS THE PERMITTEE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) UTILITY PERMIT ISSUED FOR CONSTRUCTION OF TWO WATER CONNECTIONS TO THE LEDER HILLSBORO DEVELOPMENT PROJECT.

10. **RES
2018-206** A RESOLUTION ACCEPTING A UTILITY EASEMENT FROM MCA PROMENADE OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO THE CITY FOR A PORTION OF LAND LYING WITHIN A PORTION OF PARCEL "A," GREEN FARM REPLAT.

11. **RES
2018-208** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AGREEMENTS WITH HINTERLAND GROUP, INC. (PRIMARY CONTRACTOR) AND SHENANDOAH GENERAL CONSTRUCTION COMPANY (SECONDARY CONTRACTOR) TO PROVIDE REHABILITATION, REPAIRS, AND NEW CONSTRUCTION SERVICES FOR STORMWATER CONVEYANCE SYSTEM PURSUANT

12. **RES** TO BID NO. 06-27-18-11.
2018-247 A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN INTERLOCAL AGREEMENT (ILA) WITH THE CITY OF POMPANO BEACH, THE CITY OF MARGATE, THE CITY OF NORTH LAUDERDALE AND THE CITY OF CORAL SPRINGS FOR SHARING THE COST OF THE DEVELOPMENT OF A BACTERIA POLLUTION CONTROL PLAN.

MOTION: Sarbone/Welch – To approve Consent Agenda Item Nos. 7 through 12.

Upon roll call, the Motion passed by a 4-0 vote.

REGULAR AGENDA

Police Department

Agenda Item 13 was heard last on the Agenda.

13. **RES** A RESOLUTION RESCINDING RESOLUTION NO. 2018-134 AND
2018-228 AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH TASER INTERNATIONAL, INC. FOR THE PURCHASE OF TASER EQUIPMENT AND TO ACKNOWLEDGE THE CHANGE OF NAME FROM TASER INTERNATIONAL, INC. TO AXON ENTERPRISE, INC.

Mayor Rydell read the Resolution title into the record.

MOTION: Sarbone/Welch – To approve Resolution No. 2018-228.

Mayor Rydell noted the funding source change on the Agenda Item Report from the General Fund to the Police Forfeiture Fund.

Upon roll call, the Resolution passed by a 4-0 vote.

Utilities and Engineering

14. **RES** A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
2018-212 TO EXECUTE AN AGREEMENT WITH AUM CONSTRUCTION, INC. FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AT THE LYONS ROAD AND ST. ANDREWS/WINSTON PARK PLAZA INTERSECTION PURSUANT TO PROJECT BID NO. 06-13-18-11.

Mayor Rydell read the Resolution title into the record.

MOTION: Sarbone/Welch - To approve Resolution No. 2018-212.

Utilities and Engineering Director Osama Elshami presented the item and explained changes to the design of the intersection to accommodate the installation of the traffic signal. Richard Mendez, AUM Construction, Inc., spoke about the construction timeline noting that the anticipated

project completion was approximately 120 days from the start of construction in early 2019. Mr. Elshami noted that the City was required to coordinate permitting with Broward County.

Upon roll call, the Resolution passed by a 5-0 vote.

15. **ORD 2018-026** AN ORDINANCE APPROVING THE REZONING REQUEST OF RAMCO-GERSHENON PROPERTIES, L.P. TO REZONE FROM B-2 (CONVENIENCE SHOPPING) AND B-3 (COMMUNITY SHOPPING) TO PLANNED COMMERCE DISTRICT (PCD) FOR THE PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF JOHNSON ROAD AND STATE ROAD 7 (US 441) WITHIN THE SAWGRASS PARK OF COMMERCE PLAT. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

City Attorney Pyburn read aloud the City's quasi-judicial procedures that would be applied to Agenda Items 15-24. City Clerk May confirmed that the public notice requirements were met for Agenda Items 15-24 and swore in the witnesses. Mayor Rydell asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 15, 16, 17, and 18 together as they were all related, and there were none.

Commissioner Tooley was excused and left the meeting at 7:47 p.m. The Commission took a brief recess, and the meeting reconvened at 7:48 p.m.

City Attorney Pyburn read the titles for Ordinance No. 2018-026 and Ordinance No. 2018-027 into the record. Mayor Rydell read the titles for Resolution No. 2018-227 and Resolution No. 2018-225 into the record.

Commissioner Belvedere made a motion to hear Agenda Items 15 through 18, seconded by Vice Mayor Welch.

City Attorney Pyburn asked if there were any disclosures or ex parte communications, and the following disclosures were made:

- Mayor Rydell met with the Applicant's Attorney, Janna Lhota.
- Vice Mayor Welch met with the Applicant and the Applicant's Attorney, Janna Lhota.
- Commissioner Belvedere met with the Applicant and the Applicant's Attorney, Janna Lhota.

Assistant City Manager/Sustainable Development Director Sheila Rose briefly explained the items and announced that the owners and representatives were available to make a presentation. She noted a minor modification to the title of Agenda Item 17, Resolution No. 2018-227, which had already been read into the record.

Janna Lhota, Holland & Knight, 515 East Las Olas Boulevard, Fort Lauderdale, introduced herself, noting that she was present on behalf of Ramco Gershenson Properties Trust, and Craig McDonald and Darryl Johnson, Corporate Property Services, who were present on behalf of Wendy's. Ms. Lhota began a *PowerPoint* presentation of the project details with Mr. McDonald also presenting.

City Attorney Pyburn noted that the City Commission was provided with a copy of the Maintenance Agreement submitted by the applicant that was a condition of approval by the Planning and Zoning Board. She also noted the property ownership was updated in the Resolution title, first

“WHEREAS” clause, and Section 3 to Ramco Gershenson Properties, L.P.

Mayor Rydell opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

Discussion ensued with regard to traffic concerns in the area, visibility of the existing businesses in the plaza from US 441/State Road 7, and providing adequate signage.

Coconut Creek Police Sergeant Darren Karp, Traffic Enforcement Unit Supervisor, was sworn in and responded to questions regarding the heavy traffic patterns around the area of Tradewinds Elementary School during specific times of the day.

City Attorney Pyburn advised that the Planning and Zoning Board approved the rezoning request subject to the condition of approval that the applicant submit proof of unity of control, which the applicant had agreed to provide within 45 days, and she added that there may be a need for an amendment to provide for that as part of the condition of approval.

Ms. Lhota confirmed that the applicant agreed to provide a unified control document because two of the outparcels are owned by separate parties. She noted that a traffic statement was provided with the application, and that an in-depth traffic analysis could also be provided. Mr. McDonald noted that Wendy’s is not open for breakfast and stated that the store hours would be 10:30 a.m. to 1:00 a.m., Monday – Thursday, and 10:30 a.m. to 2:00 a.m. on the weekend.

Discussion ensued regarding providing the documents for unity of control and a traffic analysis. Mayor Rydell passed the gavel to Vice Mayor Welch.

MOTION: Rydell/Sarbone – To table Ordinance No. 2018-026 to January 10, 2019.

Upon roll call, the Ordinance was tabled to January 10, 2019, by a 4-0 vote.

16. **ORD** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION
2018-027 OF RAMCO/ CORAL CREEK LLC, TO PERMIT A DRIVE-THRU FOR THE PROPOSED WENDY’S RESTAURANT LOCATED AT THE SOUTHEAST CORNER OF JOHNSON ROAD AND STATE ROAD 7 (US 441) PURSUANT TO SECTION 13-35, “SPECIAL LAND USE,” OF THE CITY’S CODE OF ORDINANCES. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

MOTION: Sarbone/Belvedere - To table Ordinance No. 2018-027 to January 10, 2019.

Upon roll call, the Ordinance was tabled to January 10, 2019, by a 4-0 vote.

17. **RES** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF
2018-227 RAMCO/CORAL CREEK, LLC FOR THE DEVELOPMENT OF A WENDY’S FAST FOOD RESTAURANT WITH A DRIVE-THRU AND OUTDOOR DINING AREA GENERALLY LOCATED AT THE SOUTHEAST CORNER OF JOHNSON ROAD AND STATE ROAD 7 (US 441). (QUASI-JUDICIAL)(PUBLIC HEARING)

MOTION: Sarbone/Belvedere - To table Resolution No. 2018-027 to January 10, 2019.

Upon roll call, the Resolution was tabled to January 10, 2019, by a 4-0 vote.

18. **RES 2018-225** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF RAMCO-GERSHENSON PROPERTIES, L.P. TO MODIFY THE EXISTING CORAL CREEK SHOPS SHOPPING PLAZA MASTER SITE PLAN GENERALLY LOCATED ON THE SOUTHEAST CORNER OF JOHNSON ROAD AND STATE ROAD 7 (US 441). (QUASI-JUDICIAL)(PUBLIC HEARING)

MOTION: Sarbone/Belvedere - To table Resolution No. 2018-225 to January 10, 2019.

Upon roll call, the Resolution was tabled to January 10, 2019, by a 4-0 vote.

19. **ORD 2018-028** AN ORDINANCE TO MODIFY AN EXISTING PLANNED COMMERCE DISTRICT (PCD) IN ORDER TO ACCOMODATE THE CONSTRUCTION OF A CHICK-FIL-A RESTAURANT WITH A DUAL DRIVE-THRU LANE LOCATED IN THE VILLAGE SHOPPES OF COCONUT CREEK AT THE NORTHEAST CORNER OF WILES ROAD AND STATE ROAD 7 (US 441). (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

Mayor Rydell asked if there were any objections by the Commission, staff, or the applicant to hear Agenda Items 19, 20, and 21 together as they were all related, and there were none.

City Attorney Pyburn read the titles for Ordinance No. 2018-028 and Ordinance No. 2018-030 into the record, and Mayor Rydell read the title for Resolution No. 2018-231 into the record.

Vice Mayor Welch made a motion to hear Agenda Items 19 through 21, seconded by Commissioner Belvedere.

City Attorney Pyburn asked if there were any disclosures or ex parte communications for Agenda Items 19-21, and the following disclosures were made:

- Mayor Rydell spoke with the applicant's Attorney Dwayne Dickerson.
- Vice Mayor Welch stated that Mr. Dickerson called her, but she did not return the call.

Assistant City Manager / Sustainable Development Director Sheila Rose presented the item and advised that the applicant was available to make a presentation and answer any questions.

The Commission took a two-minute recess.

Attorney Dwayne Dickerson, Dunay, Miskel & Backman, 14 South East 4 Street, Boca Raton, on behalf of the applicant, Chick-Fil-A, introduced himself, Jason Pociask, Chick-Fil-A, Engineer Bill Pfeffer, Bowman Consulting Group, and Traffic Engineer Karl Peterson, KBP Consulting. Mr. Dickerson continued with his presentation of the items, followed by Mr. Peterson who discussed the methodology used to complete the project parking study and the time frame when the study was conducted. Discussion ensued regarding the Deerfield Beach and Coral Springs locations.

Mayor Rydell opened the public hearing.

Eric Shatz, 4836 North State Road 7, #307, Coconut Creek, discussed his concerns with the traffic on State Road 7. He spoke about the proximity of the project to the adjacent residential community, problems with rodents, and lack of maintenance of the fencing between the two developments. He commented on the reputation of the owner of Chick-Fil-A. There were no further questions or comments from the public, and the public hearing was closed.

Discussion ensued with regard to the scope of the traffic analysis within the plaza and the intersection of Wiles Road and US 441/State Road 7. There was also discussion regarding traffic patterns for two businesses within the plaza, Passport Preschool and the Church; and Chick-Fil-A's anticipated hours of operation of 6:30 a.m. to 10:00 p.m., Monday through Saturday with no Sunday hours.

Mr. Pfeffer began his portion of the presentation relating to the drive-thru operations. Discussion ensued regarding the stacking of cars at the Deerfield Beach and Coral Springs locations, and Mr. Pfeffer explained the changes that Chick-Fil-A had made to the drive thru operations since the development of those locations. Discussion ensued regarding pedestrian crosswalks in relation to the drive thru.

Mr. Dickerson spoke about communication with the preschool tenant in the plaza. In response to a question from the Commission, he displayed an image depicting an overlay of the proposed Chick-Fil-A on an aerial map of the Village Shoppes shopping plaza.

Mr. Dickerson requested to table the items to a time certain of December 13, 2018, to allow time to review and address the concerns discussed.

MOTION: Sarbone/Welch - To table Ordinance No. 2018-028 to December 13, 2018.

Upon roll call, the Ordinance was tabled to December 13, 2018, by a 4-0 vote.

20. **ORD 2018-030** AN ORDINANCE APPROVING THE SPECIAL LAND USE APPLICATION OF VILLAGE SHOPPES OF COCONUT CREEK INVESTMENTS, LLC TO PERMIT A CHICK-FIL-A RESTAURANT WITH A DUAL DRIVE-THRU LANE TO BE LOCATED IN THE VILLAGE SHOPPES OF COCONUT CREEK AT THE NORTHEAST CORNER OF WILES AND STATE ROAD 7 (US 441) PURSUANT TO SECTION 13-35, "SPECIAL LAND USE," OF THE CITY'S CODE OF ORDINANCES. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

MOTION: Sarbone/Welch - To table Ordinance No. 2018-030 to December 13, 2018.

Upon roll call, the Ordinance was tabled to December 13, 2018, by a 4-0 vote.

21. **RES 2018-231** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF VILLAGE SHOPPES OF COCONUT CREEK INVESTMENTS, LLC FOR THE DEVELOPMENT OF A FREE STANDING CHICK-FIL-A RESTAURANT WITH A DUAL DRIVE-THRU LANE LOCATED IN VILLAGE SHOPPES

OF COCONUT CREEK AT THE NORTHEAST CORNER OF WILES AND
STATE ROAD 7 (US 441). (QUASI-JUDICIAL)(PUBLIC HEARING)

MOTION: Sarbone/Welch - To table Resolution No. 2018-231 to December 13, 2018.

Upon roll call, the Resolution was tabled to December 13, 2018, by a 4-0 vote.

22. **ORD 2018-031** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE "LYONS COMMUNITY CENTER PLAT," LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF, BEING GENERALLY KNOWN AS A PORTION OF TRACT 25, BLOCK 83, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, TOGETHER WITH A PORTION OF PARCEL "A," NORTH BROWARD SCHOOL REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 183, PAGE 103, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY NECESSARY ACTIONS TO EFFECTUATE SAID APPROVAL AS AUTHORIZED BY THE CITY OF COCONUT CREEK CODE OF ORDINANCES; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Rydell asked if there were any objections to hear Agenda Items 22, 23, and 24 together as they were all related, and there were none.

City Attorney Pyburn read the titles for Ordinance No. 2018-031 and Ordinance No. 2018-032 into the record, and Mayor Rydell read the title for Resolution No. 2018-231 into the record.

Commissioner Sarbone made a motion to hear Agenda Items 22 through 24, seconded by Vice Mayor Welch.

Mayor Rydell asked if there were any disclosures or ex parte communications for Agenda Items 22-24, and there were none.

City Attorney Pyburn noted that the title, first "WHEREAS" clause, and Section 3 of Resolution No. 2018-had been updated to reflect the ownership name to Lyons 7600 LLC.

Assistant City Manager/ Sustainable Development Director Sheila Rose presented the item and provided an overview of the project.

Patricia Ramudo, IBI Group, 2200 Park Central Boulevard South, Pompano Beach, was sworn in by City Clerk May and introduced the design team members present, which included Shane Laakso, Keith and Associates; and Architect Juan Caycedo, RLC Architects, each participated in the a *PowerPoint* presentation of the project.

Discussion ensued with regard to the operator of the child care facility, and the traffic analysis for the property, and adjacent residential neighborhood, Tall Trees. City Attorney Pyburn explained that a rezoning approval includes all the permitted uses in the zoning category. Discussion ensued regarding the project name, and it was clarified that it was general in nature and did reflect the final

project name. Discussion ensued with regard to the approval process for each application. Mayor Rydell opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

Discussion ensued with regard to the child care facility use being removed from the application.

Ms. Ramudo requested the items to be tabled to a time certain of January 24, 2019.

MOTION: Sarbone/Welch - To table Ordinance No. 2018-031 to January 24, 2019.

Upon roll call, the Ordinance was tabled to January 24, 2019, by a 4-0 vote.

23. **ORD 2018-032** AN ORDINANCE APPROVING THE REZONING REQUEST OF GERALDO STAZIAKI TO REZONE FROM AGRICULTURAL (A-1) TO COMMUNITY FACILITY (CF) FOR THE PROPERTY LOCATED AT 7650 LYONS ROAD. (QUASI-JUDICIAL)(FIRST PUBLIC HEARING)

MOTION: Sarbone/Belvedere - To table Ordinance No. 2018-032 to January 24, 2019.

Upon roll call, the Ordinance was tabled to January 24, 2019, by a 4-0 vote.

24. **RES 2018-233** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF GERALDO STAZIAKI TO DEVELOP A TWO-STORY, 13,080 SQUARE FOOT STRUCTURE TO ACCOMMODATE UP TO 198 SEATS WITHIN THE HOUSE OF WORSHIP AND UP TO EIGHT (8) CLASSROOMS FOR THE PROPOSED CHILD CARE FACILITY TO BE LOCATED AT 7650 LYONS ROAD. (QUASI-JUDICIAL)(PUBLIC HEARING)

MOTION: Sarbone/Belvedere - To table Ordinance No. 2018-032 to January 24, 2019.

Upon roll call, the Ordinance was tabled to January 24, 2019, by a 4-0 vote.

25. **ORD 2018-034** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 1, "GENERALLY," BY ENACTING SECTION 13-5, "SEVERABILITY," TO PROVIDE FOR GENERAL SEVERABILITY AMONG THE PROVISIONS OF THE LAND DEVELOPMENT CODE; ARTICLE III, "ZONING REGULATIONS," DIVISION 1, "GENERALLY," SECTION 13-295, "DEFINITIONS," TO OMIT THE DEFINITION OF CHURCH AND AMEND THE DEFINITION OF HOUSE OF WORSHIP; DIVISION 3, "ZONING DISTRICT REGULATIONS AND TABLES," SECTIONS 13-331, "GENERAL PROVISIONS," 13-348, "PLANNED UNIT DEVELOPMENT DISTRICT," 13-354, "COMMUNITY FACILITY DISTRICT," 13-355, "PLANNED COMMERCE DISTRICT," AND DIVISION 8, "MASTER BUSINESS LIST," SECTIONS 13-621, "MASTER BUSINESS LIST - B-2, B-3, AND B-4," 13-622, "MASTER BUSINESS LIST - IO-1, IM-1," 13-623, "MASTER BUSINESS LIST - O-2, O-3," TO PROVIDE CONSISTENCY

WITH THE FEDERAL RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000 (RLUIPA). (FIRST READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Welch - To approve Ordinance No. 2018-034 on first reading.

City Attorney Pyburn presented the item.

Mayor Rydell opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

Upon roll call, the Ordinance passed on first reading by a 4-0 vote.

26. **ORD 2018-035** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING THE ENTIRETY OF CHAPTER 8, "ELECTIONS," TO PROVIDE FOR UPDATED AND CONSISTENT REGULATIONS WITH STATE ELECTION LAWS AND CITY CHARTER PROVISIONS; AND BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COMMISSION," BY REPEALING SECTION 2-22, "VACANCY IN CANDIDACY," IN ITS ENTIRETY IN ITS CURRENT LOCATION IN ORDER TO RELOCATE THE LANGUAGE INTO A MORE RELEVANT LOCATION WITHIN CHAPTER 8, "ELECTIONS," AND BY REPEALING SECTION 2-24, "CITY COMMISSION CANDIDATE QUALIFICATIONS," AS THOSE PROVISIONS ARE SET FORTH IN THE CITY CHARTER AS OF THE EFFECTIVE DATE OF THE CHARTER REVISIONS OF 2016. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

MOTION: Sarbone/Welch – To approve Ordinance No. 2018-035 on first reading.

Assistant City Attorney Eve Lewis presented the item.

Upon roll call, the Ordinance passed on first reading by a 4-0 vote.

Agenda Item 27 was heard after Agenda Item 18.

27. **ORD 2018-024** AN ORDINANCE REPEALING IN ITS ENTIRETY ORDINANCE NO. 2013-023, PROVIDING FOR A REVISION OF THE BOUNDARIES OF CITY COMMISSION VOTING DISTRICTS; ACCEPTING THE RECOMMENDATION OF THE 2018 RE-DISTRICTING BOARD, WHICH PROVIDES FOR A REVISION OF THE EXISTING LEGAL BOUNDARIES FOR THE FIVE (5) AT LARGE COMMISSION VOTING DISTRICTS, AS MORE FULLY DESCRIBED IN THE MAP AND LEGAL DESCRIPTIONS LABELED "A" THROUGH "E," RESPECTIVELY. (SECOND READING) (PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into record.

MOTION: Sarbone/Belvedere – To adopt Ordinance No. 2018-024.
City Attorney Pyburn presented the item and noted that Re-Districting Board Member Beale Tilton was present to answer any questions. Mayor Rydell noted that Re-Districting Board Member Alfred Delgado was also present earlier in the meeting. Vice Mayor Welch commended Mr. Tilton and the Board Members for their work.

Mayor Rydell opened the public hearing. There were no questions or comments from the public, and the public hearing was closed.

Upon roll call, the Ordinance passed by a 4-0 vote.

28. **RES 2018-257** A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY, ON BEHALF OF THE CITY, TO ENGAGE THE SERVICES OF OUTSIDE COUNSEL TO FILE AN APPEAL REGARDING THE FEDERAL COMMUNICATIONS COMMISSION'S DECLARATORY RULING AND THIRD REPORT AND ORDER IN WIRELESS AND WIRELINE INFRASTRUCTURE DOCKET NUMBERS 17-79 AND 17-84, RESPECTIVELY, AND TO JOIN THE COALITION OF CITIES AND COUNTIES NATIONWIDE SEEKING RELIEF FROM THE OVERREACHING AND BURDENSOME REGULATIONS ENACTED THEREBY IN ORDER TO PRESERVE THE CITY'S RIGHTS AND REMEDIES THEREUNDER.

Mayor Rydell read the Resolution title into the record.

MOTION: Welch/Sarbone - To approve Resolution No. 2018-257.

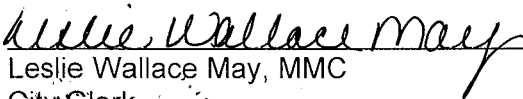
Assistant City Attorney Eve Lewis presented the item.

Upon roll call, the Resolution passed by a 4-0 vote.

ADJOURNMENT

The meeting was adjourned at 11:19 p.m.

Transcribed by: Daphne Haynie and Marianne Bowers


Leslie Wallace May, MMC
City Clerk

12/13/18
Dated

