



CITY OF COCONUT CREEK SPECIAL CITY COMMISSION MINUTES

Government Center
4800 W. Copans Road
Coconut Creek, Florida

Date: November 11, 2024
Time: 1:00 p.m.
Meeting No. 2024-1111SP

CALL TO ORDER

Mayor Sandra L. Welch called the meeting to order at 1:02 p.m.

PRESENT UPON ROLL CALL:

Mayor Sandra L. Welch
Vice Mayor Jacqueline Railey
Commissioner Joshua Rydell
Commissioner John A. Brodie
Commissioner Jeffrey R. Wasserman
City Manager Sheila N. Rose
City Attorney Terrill C. Pyburn
Deputy City Clerk Marianne E. Bowers

Mayor Welch asked all to rise for the Pledge of Allegiance.

SPECIAL AGENDA

- RES 2024-183** A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND WASTE MANAGEMENT INC. OF FLORIDA FOR THE MONARCH HILL LANDFILL.

Mayor Welch read the Resolution title into the record.

MOTION: Rydell/Wasserman – To approve Resolution No. 2024-183.

City Manager Rose advised the amendment to be discussed had come to the City the previous Thursday afternoon, and a Special Meeting had been called due to the critical nature and timing of the Broward County Commission meeting to consider four (4) items related to the Monarch Hill Landfill scheduled for November 12 at 1:30 p.m. She highlighted public outreach conducted by staff to make the public aware of the meeting and subsequent media coverage and expressed her appreciation for the time and attention from the members of the public.

City Manager Rose commented that on October 22, the County Commission had motioned 8-1 to schedule the public hearings for November 12, and advised that following that meeting, the sentiment of staff was that the County Commission felt compelled to move forward with the landfill expansion. She stated County staff had facilitated a series of meetings between City staff and Waste Management to discuss the City's largest concerns. City Manager Rose stated that as part of the discussion, she had also suggested Waste Management should compensate the City to allow it to continue to be innovative in its waste reduction strategies. She added that the hope was that the Solid Waste Authority would provide a regional solution, but consensus was that the solution would be slow in coming. She acknowledged there was a difficult decision

before the Commission and reviewed the terms of the proposed amendment to the existing settlement agreement between the City and Waste Management. She noted this amendment was intended as a supplement to the terms offered to Broward County and the existing settlement with the City.

Commissioner Wasserman asked for clarification on the amendment to Section 2.3 of the agreement setting an end date of September 30, 2027. City Manager Rose stated that the Monarch Hill Landfill would effectively become a Class III Landfill as of that date, allowing for disposal of construction and demolition debris, but not household waste except during states of emergency.

Mayor Welch inquired as to whether a change in slope could be made administratively rather than going back before the County Commission. City Manager Rose stated she did not know that it could be done administratively, but the authority rested with the Department of Environmental Protection, not a vote of the County Commission. Discussion ensued briefly regarding the \$10 million application fee required for future expansion requests.

Michael Heimbach, Project Manager-Solid Waste, discussed stormwater management and water quality monitoring. He stated the consultant had determined that the weight of the landfill had caused the groundwater to disperse in more of a circular pattern in the area, which raised concerns regarding the contamination of background monitoring wells and the impact of the landfill on the ground water was greater than anticipated. He reviewed the associated groundwater monitoring requirements within the agreement briefly. City Manager Rose provided additional details regarding the provisions for sample collection and testing.

Mayor Welch opened public comment on the item.

Lisa Yurkin, 2824 NW 42 Avenue, Coconut Creek, thanked staff and the Commission for their hard work as gatekeepers to protect the community from Waste Management and from the contamination related to the landfill. She stated the issue was really “Not in My Back Yard” (NIMBY), and the County Commission was putting the City’s elected officials against the wall. She asserted the County Commission should be held accountable, and some neighboring cities needed to do better.

Susan Steinhauser, 5842 Eagle Cay Circle, Coconut Creek, echoed Ms. Yurkin’s sentiments. She thanked City Manager Rose and staff for the work they had done. She commented that the expansion of the Monarch Hill Landfill would stink both literally and figuratively and stated no one in the room wanted the County Commission to approve the Land Use Plan Amendment (LUPA). She encouraged the Commission to sign the agreement and noted she had reached out to each to explain her position, noting the need to balance a passion for the environment with pragmatism by doing what they could to mitigate the impacts of the pending County decision.

Deerfield Beach Mayor Bill Ganz stated that, as the Mayor of a neighboring city, he had enjoyed working together with Coconut Creek as an ally against the relentless and impactful assault on the residents’ quality of life. He advised the Deerfield Beach staff had been in constant communication with Coconut Creek staff regarding the issue, and he was stunned to find out about this agreement recently. He stated that the question of how the agreement had come to be deserved to be answered, adding that considering the agreement weakened the collective argument before the County Commission and guaranteed failure.

Deerfield Beach Vice Mayor Todd Drosky commented that he learned of this meeting earlier in the day from the Deerfield Beach City Manager after an article appeared on the Florida Bulldog

website. He stated there had been discussion the previous week about taking buses to the County Commission meeting to make their voices heard. He asserted Coconut Creek and Deerfield Beach were both part of the Solid Waste Authority and were supposed to be coming to a regional solution together, and this agreement would weaken that position.

Tammy Lettieri, 3302 Carambola Circle South, Coconut Creek, stated she had gone back and forth over this agreement and did not believe it gave the City any leverage as the County runs roughshod over it and its residents. She remarked that Coconut Creek should stand with Deerfield Beach and fight. She commented on leading by example and showing Florida how to be better stewards of the land. She stated that four (4) people on the County Commission had conflicts and should recuse themselves.

Becky Tooley, 4411 Coconut Creek Boulevard, Coconut Creek, commented on the history of the Solid Waste Authority and stated there were cities in the County that had not done anything to help. She stated she was angry about what was being done, and staff was trying to do their best to address the situation. She asserted Coconut Creek had a great leadership in its City Manager and City Attorney, and she trusted them to do the right thing.

Himanshu Parikh, 5801 NW 37 Avenue, Coconut Creek, spoke about the longstanding concerns with the landfill and the conversations he had with the City in the early 1990s when it was anticipated the landfill would be capped off in 1995. He expressed concern there was still no commitment to cap off the landfill and asked if there had been any study of the environmental impacts. He commented on an annual contribution to support waste innovation in the City and asked the plan for the funds, as well as what was done prior. He asserted that Waste Management should not be conducting the groundwater study, but it should be conducted independently.

Richard Ramcharitar, Southwest Ranches, spoke on behalf of Broward Clean Air. He stated the group was opposing any efforts by Broward County or Miami-Dade County to build an incinerator, and they were standing with the City against the expansion of the Monarch Hill Landfill. He asserted there were other ways of going about this and noted he had recently conducted a site visit of a large-scale composting operation. He stated it was misleading and untrue to say the same could not be done in South Florida. He encouraged the Commission to continue to fight and not to settle, giving the Solid Waste Authority time to develop a solution.

Nancy Fry, 5341 Flamingo Place, Coconut Creek, thanked City staff for all of the work put into the issue and stated she understood the purpose of the agreement was to try to make lemonade out of lemons. She asked that the Commission consider whether signing the agreement would preclude the City from taking any kind of legal action in the future, whether it would give the County Commission political cover to vote yes when they otherwise might be swayed, and if signing the amendment would make the City a party to any lawsuit in the future which may arise from the expansion. She commented that once the damage was done to the environment, it could not be undone, and it was pivotal that they continue to fight.

Jim Laskey, Southwest Ranches, commented that the City had to fight, and stated they had the makings of a large class action suit. He noted a study by a group in the geoengineering department at Florida Atlantic University, showing continuous environmental concerns related to landfills. He asked that the City not give up, and stated the residents would help.

There were no further comments or questions from the public.

Mayor Welch thanked Mayor Ganz, Vice Mayor Drosky, and the staff at Deerfield Beach for

attending and for sharing their thoughts.

Commissioner Rydell addressed concerns with the ethics of the Commission and City Manager being called into question and highlighted the importance of reputation. He stated he and his colleagues had long been fighting this fight, and were often the only City at meetings. Continuing, Commissioner Rydell stated he appreciated the work of staff to bring the amendment forward, and stated aside from the fiscal impact, everything in it should be included in a Broward County agreement with Waste Management. Commissioner Rydell stated that he unequivocally believed the landfill was a direct health and safety violation to the community. He commented that construction debris included toxic items and stated he did not support the amended settlement agreement. He reiterated that he supported the Coconut Creek team and the collaborative work done to try to solve the problem.

Commissioner Brodie noted that under Sunshine Law, this meeting was the only place the Commission could openly discuss the proposal. He stated Waste Management was offering a buyout, and he would rather go into the County Commission meeting and lose fighting. He commented that there should be cancer cluster studies taking place and highlighted Waste Management's annual profits, as well as the long timeline for closure included in the amendment.

Vice Mayor Railey thanked City Manager Rose and City Attorney Pyburn for putting the amendment together, and acknowledged it was their job to find alternate solutions. She asserted all of the provisions within the amendment should be implemented by Broward County. She commented that she had not seen any progress toward a solution from the Solid Waste Authority and stated that was what the City should be pushing for. She stated that the residents' health and public safety came first. She noted Wynmoor had a bus scheduled to go to the County Commission meeting and was willing to add a second bus, if needed, and asked that residents reach out to get involved.

Commissioner Wasserman stated the City had been nothing but accommodating to Broward County regarding use of the 911 center, and it was not right for the County to now be putting the City against a wall on this issue. He asserted they did not seem to care about the residents of Coconut Creek and neighboring communities. He noted a reference to corporate donations made during public comment, and stated he did not believe in corporations dictating what elected officials do on the dais. He stated the amendment was a temporary fix to a long-term issue and thanked staff for trying to find a way.

Mayor Welch stated she felt staff had been pushed into a corner following the last meeting at Broward County to come to some resolution to bring to the Commission, and noted she felt it had been done with good intentions. She commented that the original agreement negotiated with Waste Management had been trickled away line by line, and stated the settlement was only as good as the paper it was written on, with no guarantees. She stated if Waste Management claimed to be a leader in recycling, they should be leading the way on recycling here first and foremost. Mayor Welch commented on the importance of recycling and composting to reduce waste, and noted there was no plan for the Alpha 250 land. She pointed out Deerfield Beach had led the way on composting, and stated there were opportunities for the cities do some things on their own while the County figured out what they could do to be a partner. She added that she hoped the water quality monitoring included in the amendment could be moved forward by the County as the City moved forward with its opposition to the changes to Monarch Hill Landfill.

Commissioner Rydell stated the agreement before the Commission did not cap the height of the landfill but issued a balloon payment if Waste Management sought to expand. City Attorney Pyburn confirmed. Discussion continued briefly.

City Manager Rose advised that staff had heard the direction and would be prepared with presentations for the Broward County Commission meeting the following day. She stated there was a bus leaving the Community Center at noon on November 12.

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

ADJOURNMENT

The meeting was adjourned at 2:19 p.m.

Joseph J. Kavanagh, MMC
City Clerk

Date