

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

June 25, 2020

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew Berns, Town Administrator

Vice Mayor Denise Schroeder

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Delsa Amundson

Martin D. Sherwood, Town Financial Administrator

Council Member Bob Hartmann

Keith Poliakoff, Town Attorney

Council Member Gary Jablonski

Regular Meeting of the Town Council of Southwest Ranches was held in person and virtually via the ZOOM Meeting Platform. The meeting, having been properly noticed, was called to order by Mayor McKay at 7:00 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Quasi-Judicial Hearings

6. Archbishop McCarthy High School – Delegation Request

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, GRANTING A PORTION OF APPLICATION NO. DG-23-20 BY ARCHBISHOP EDWARD A. MCCARTHY HIGH SCHOOL BY AMENDING THE RESTRICTIVE NOTE FOR PARCEL "A" OF THE BROWARD CENTRAL CATHOLIC HIGH SCHOOL PLAT FROM 184,900 SQUARE FEET OF HIGH SCHOOL USE TO 200,000 SQUARE FEET OF HIGH SCHOOL USE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Assistant Town Administrator/Town Clerk Muñiz read the item into the record and swore in the witnesses. Town Attorney Poliakoff instructed the representatives attending on behalf of the applicant, Archbishop McCarthy High School, to state their names, attest they have been sworn in and they understood why they are attending the hearing. Town Attorney Poliakoff asked the Town Council if any of them have had any ex-parte communication to which the Town Council stated they had not. Assistant Planner Jeff Katims advised the Town Council, the applicant's attorney, the formal petitioner, is attending the meeting virtually. He then read the staff report into the record.

The following motion was made by Council Member Jablonski, seconded by Vice Mayor Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

7. Archbishop McCarthy High School -Site Plan Modification

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING APPLICATION NO. SP-72-18 BY ARCHBISHOP EDWARD A. MCCARTHY HIGH SCHOOL TO AMEND ITS SITE PLAN BY REPLACING ITS EXISTING 5,820 SQUARE FEET OF MODULAR CLASSROOMS WITH 18,552 SQUARE FEET OF NEW MODULAR CLASSROOMS AND EXPANDING THE ATHLETIC TRAINING FACILITY BY 1,830 SQUARE FEET; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Assistant Town Administrator/Town Clerk Muñiz read the item into the record and swore in the witnesses. Town Attorney Poliakoff instructed the representatives attending on behalf of the applicant, Archbishop McCarthy High School, to state their names, attest they have been sworn in and they understood why they are attending the hearing. Town Attorney Poliakoff asked the Town Council if any of them have had any ex-parte communication to which the Town Council stated they had not. Assistant Planner Jeff Katims advised the Town Council, the applicant's attorney, the formal petitioner, is attending the meeting virtually. He then read the staff report into the record.

The following motion was made by Council Member Hartmann, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION TO INCLUDE THE STIPULATION TO RESTRICT ACCESS TO THE SCHOOL FROM THE REAR OF THE PROPERTY.

8. Public Comment

The following members of the public addressed the Town Council: George Cailis, David Sears, David Kuczenski, Jim Allbritton, Jim Kilcullen, Jim Laskey and Elizabeth Eskenazi

9. Board Reports

There were no board reports.

10. Council Member Comments

Vice Mayor Schroeder spoke about the COVID-19 virus and her fears. She advised the residents to read Bob's article, keep washing hands and keeping a safe distance from other people. Secondly, she spoke about the Toll Brothers possible residential buildout. The property is owned by the church and they could build on it. She will support whatever the public wants, but she would rather see homes in that location so at least the Town gets a tax base from it.

Council Member Jablonski reminded residents about the HazMat drop off and shredding at the Barn on July 11, 2020. He also asked Town Attorney Poliakoff to clarify during legal comments about the chatter on social media regarding new residents and their residential taxes and to please speak about the agreement between New Testament Church and the Town from a few years ago.

Council Member Amundson asked what is allowable on a property that is classified with an agricultural exemption since it was brought up by a resident during the public comment section. She also spoke about a piece of mail she received, that had to do with registering to vote for the upcoming elections but wasn't sent by the Supervisor of Elections.

Council Member Hartmann spoke about the New Testament Church property. He wanted to mention to the attendees that Facebook isn't a forum he can respond on. He must restrict his comments to public meetings, such as the Town Council meeting according to the Florida Sunshine Law. Toll Brothers are developing around Town and they have a good relationship with the Town. Council Member Hartmann hoped they are paying attention to all the comments and their attorney is also getting a lot of emails from the residents. His hope is that Toll Brothers listen to the residents and come up with a plan that is good for the Town and its residents. Council Member Hartmann stated if Toll Brothers wants to put 41 homes in the location being discussed which would constitute a change from Community Facilities to Rural Estates, he would not support it. He then inquired about the status of the landscape ordinance and the Corrections Corporation of America (CCA) property and asked Town Administrator Berns to elaborate.

Mayor McKay thanked the public that came out to the meeting and the public that joined via the virtual meeting as well. He then stated the Governor signed an Executive Order to continue having virtual meetings to the end of July. Mayor McKay stated this was an election year and he and other Council Members are running for re-election.

11. Legal Comments

Town Attorney Poliakoff stated he would try to answer the questions brought up and speak on a couple of other issues. The Town has a couple of Legislative items this year. One Bill related to annexation has been submitted to the Governor and the Town should know something by June 30th, 2020, otherwise everything has been quiet in Tallahassee. The Town learned Broward County has received an unsolicited offer to develop a property out west that was originally slated for a 4000-bed correctional facility. The Town has no knowledge of what was proposed due to the cone of silence. The Town is working on trying to find out what is being developed as it is a substantial piece of property that will affect many residents. Town Attorney Poliakoff spoke about Dade and Broward County becoming extremely strict regarding mask wearing mandates. The Town has received an interlocal agreement from Broward County which mandates the municipality must ensure all businesses within its boundaries are following the regulations such as social distancing and the wearing of face masks as a means of trying to slow down the pandemic. He reminded the public to complete the census. Town Attorney Poliakoff addressed the question Council Member Jablonski had asked during Council Member Comments regarding a new resident and her taxes. He then addressed the question regarding the New Testament Church issue. Currently, there are no applications pending before the Town, instead the developer's legal counsel contacted the Town to inquire about speaking with the residents. Town Attorney Poliakoff explained the developer would need to speak directly with the residents and was given the number to one of the HOA presidents to work out the logistics. He provided a history of how the New Testament issue came to be. Lastly, Town Attorney Poliakoff spoke about the litigation between the Town and the City of Pembroke Pines, which is at a standstill because CCA is still in the court of appeals with the City of Pembroke Pines. The other litigation issue is

the Lakefield litigation, in which a gentleman who is listed as a sexual offender and would like to reside in the Town but cannot due to the proximity to a school bus stop. He is challenging the determination.

12. Town Administrator Comments

Town Administrator Berns opened by commending Assistant Town Administrator/Town Clerk Muñiz and Full Moon Consultants on the job they did handling a first-time hybrid Town Council Meeting. He then provided an update on the nursery ordinance that was requested by Council Member Hartmann. This had been put on hold due to the COVID-19 pandemic. The ordinance had been worked on and Town Administrator Berns felt it addressed all the residents' concerns and input, however once the pandemic hit, he was reluctant to put the ordinance on an agenda for fear it would look less than transparent. He stated since the virtual meeting executive order has been extended by the Governor and the nursery ordinance is ready for the Town Council's consideration, he would bring it forward for first and second reading. Town Administrator Berns will promote the meeting agenda the ordinance would be on for the public. He then addressed Council Member Hartmann's next inquiry, which was an update on the C.C.A. site. The agreement was being finalized and Town Financial Administrator Sherwood was working on obtaining more favorable terms for the bank loan, and then it will be provided to the other party for their consideration. Lastly, Town Administrator Berns spoke about the fire assessment study the Town has been working on with the consultant. A virtual meeting has been scheduled for Tuesday, June 30th, 2020 at 7:00 pm and it would allow the Town Council the opportunity to ask questions and address any concerns the Town Council may have. A draft copy of the study has been provided to the Town Council for review.

Ordinance – 2nd Reading

13. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING ORDINANCE 2002-005 AND THE TOWN'S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP) AND ADOPTING A NEW CONTINUITY OF OPERATIONS PLAN (COOP) IN ORDER TO MINIMIZE HUMAN AND PROPERTY LOSSES AND TO PRESERVE THE CONTINUANCE OF THE TOWN'S MUNICIPAL ESSENTIAL OPERATIONS IN THE EVENT OF A NATURAL OR MAN-MADE DISASTER; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO APPROVE THE PLANS; AND PROVIDING AN EFFECTIVE DATE. {Approved on First Reading – June 11, 2020}

The following motion was made by Council Member Jablonski, seconded by Vice Mayor Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting Yes.

MOTION: TO APPROVE THE ORDINANCE ON 2nd READING.

Ordinance – 1st Reading

14. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, BY CREATING CHAPTER 9 ENTITLED "NOISE" TO ESTABLISH STANDARDS FOR THE ACCEPTABLE LEVELS OF NOISE AND TO PREVENT NUISANCES THAT MAY ADVERSELY AFFECT THE QUIET ENJOYMENT AND QUALITY OF LIFE EXPECTED BY TOWN RESIDENTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting Yes.

MOTION: TO APPROVE THE ORDINANCE ON 1st READING.

Resolutions

15. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CONSENTING TO THE CITY OF COOPER CITY PROVIDING WATER SERVICE TO THE FARMER'S MARKET LOCATED AT 5150 SW 124 AVENUE, LYING WITHIN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING THAT NO FURTHER EXPANSION OF SERVICE SHALL BE PERMITTED WITHOUT THE EXPLICIT WRITTEN CONSENT OF THE TOWN; PROVIDING FOR A CERTIFIED COPY OF THIS RESOLUTION TO BE FURNISHED TO THE CITY OF COOPER CITY; AND PROVIDING AN EFFECTIVE DATE.

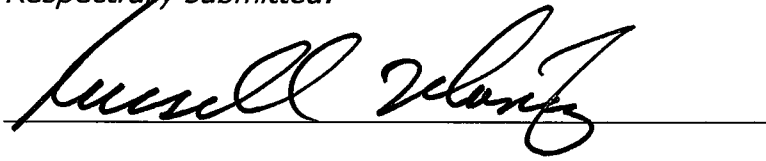
The following motion was made by Council Member Jablonski, seconded by Vice Mayor Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION WITH THE FOLLOWING CHANGE: TO REMOVE THE REFERENCE TO FARMER'S MARKET AND ONLY INCLUDE THE ADDRESS.

16. Adjournment

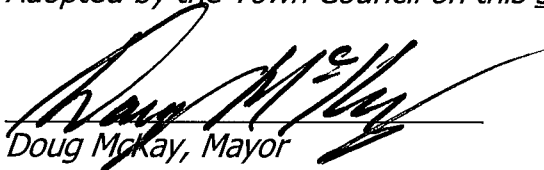
Meeting was adjourned at 9:52 p.m.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Russell Muñiz", written over a horizontal line.

Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this 30th day of July 2020.

A handwritten signature in black ink, appearing to read "Doug McKay", written over a horizontal line.

Doug McKay, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.