

**REGULAR MEETING MINUTES OF THE TOWN COUNCIL**  
**Southwest Ranches, Florida**

Thursday 7:00 PM

April 27, 2023

13400 Griffin Road

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Present:

Mayor Steve Breitzkreuz

Andrew Berns, Town Administrator

Vice Mayor Jim Allbritton

Russell Muniz, Assistant Town Administrator/Town Clerk

Council Member Bob Hartmann

Emil C. Lopez, Town Financial Administrator

Council Member Gary Jablonski

Keith Poliakoff , Town Attorney

Council Member David S. Kuczenski

Regular Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor Breitzkreuz at 7:03 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Broward County Mayor Lamar Fisher expressed his pleasure at attending the Town Council meeting and outlined his goal for the near future which will be to visit all 31 municipalities to let them know Broward County is there to support them. He advised the mosquito spraying that was scheduled had been cancelled due to the heavy rains, but they have been rescheduled for the Town and to contact his office if there are any issues.

**3. Presentation: Solid Waste Working Group – Broward County Interlocal Agreement – Mayor Greg Ross & Commissioner Beam Furr**

Cooper City Mayor Greg Ross and Broward County Commissioner Beam Furr addressed the Town Council about the forthcoming Solid Waste Interlocal Agreement and answered questions.

**4. Presentation: Aster Knight Parks Foundation Volunteer Recognition**

Mayor Breitzkreuz read a prepared statement from Aster Knight and presented plaques to the volunteers of the Aster Knight Parks Foundation in recognition of their service to the Foundation and the Town.

At this time, Mayor Breitzkreuz introduced the Hawkes Bluff Robohawkes robotics team to speak about their upcoming trip to the 2023 VEX IQ World Championship in Dallas, Texas.

The following motion was made by Council Member Jablonski, seconded by Council Member Kuczenski, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Hartmann, Jablonski, Kuczenski, Vice Mayor Allbritton and Mayor Breitzkreuz voting yes.

**MOTION: TO DONATE \$2,000.00 TO THE HAWKES BLUFF ROBOTICS TEAM.**

**5. Presentation: Stormwater Master Plan – Kimley Horn and Associates**

Public Works Director/Town Engineer Rod Ley introduced Tiffany Stanton and Matt Brosman from Kimley Horn & Associates to present the Stormwater Master Plan to the public and answer any questions.

## **6. Proclamation: Municipal Clerks Week – April 30 – May 6, 2023**

The Town Council presented a proclamation to the Town Clerk's department in observance of Municipal Clerk's Week.

## **7. Public Comment**

The following members of the public addressed the Town Council : Christina Lopez, John Garate, Newell Hollingsworth and Debbie Green.

## **8. Board Reports**

George Morris, Chair of the Drainage and Infrastructure Advisory Board (DIAB) provided a summary of what was discussed at the April 18<sup>th</sup> DIAB meeting. The topics discussed were SW 63<sup>rd</sup> Street and SW 54<sup>th</sup> Place projects, a presentation by Craven Thompson as well as a presentation by Kimley Horn & Associates about the Stormwater Master Plan.

Debbie Green, Treasurer of the Schools and Education Advisory Board, spoke about the success of the Barn Dance and the Flamingo Flocking event and thanked all the residents that helped make those events successful. She reminded the public the Town's scholarship applications are due on May 26, 2023.

## **9. Council Member Comments**

Council Member Jablonski spoke about upcoming events within the Town such as Hazmat at the Barn on April 29<sup>th</sup>, Town Hall closure for Memorial Day on May 29<sup>th</sup>, the DMV Flow Mobile on May 24<sup>th</sup>, Broward County Property Appraiser on June 2<sup>nd</sup> and the Special Magistrate Hearing on May 4<sup>th</sup>. He spoke about amending the Noise ordinance regarding special events as they seem to generate the most noise. Mayor Breitkreuz agreed as well, and felt other parts of the Noise ordinance need to be "tweaked" as well. He also would like to look at trying to regulate Airbnb's in the Town since they are businesses operating in the Town.

Council Member Hartmann agreed with Council Member Jablonski regarding the regulation of Airbnb's in the Town, however there is a bill coming out of Tallahassee that would remove the control of Airbnb's out of a municipality's hands. Council Member Jablonski stated the Town should still be able to look at an Airbnb as a business and require a Certificate of Use, an inspection and possibly registration forms. Council Member Hartmann asked Town Attorney Poliakoff how the Town can stop Broward County from building an incinerator in the Town. Town Attorney Poliakoff advised based on Commissioner Beam Furr's comments earlier in the evening, it might be very difficult. Mayor Breitkreuz mentioned getting the Environmental Protection Agency (EPA) involved to determine what materials will be generated and where they will be stored. If the Town can't stop it, the Town can at least make sure the air and water supply aren't polluted. Town Attorney Poliakoff advised the first step would be to engage an engineer who specializes in the matter. If the Town can't stop it, it would ensure compliance to be more than what the EPA would require keeping it clean and force Broward County's hand to ensure cleanliness. Council Member Hartmann raised another concern which is added traffic congestion.

Council Member Kuczenski spoke about anonymous Code reporting and how the State changed the law to remove anonymity. He was happy to see Aster Knight at the meeting and he wished

former mayor Doug McKay a speedy recovery. He spoke about the Rural Public Arts & Design Advisory Board redesigning the Town's newsletter and Laura Warren's work on the mural at the Gary Poliakoff Founder's Park. Council Member Kuczenski spoke about FPL's Hardening and Underground Project and would like to get a consensus from the Town Council to support those efforts. Mayor Breitkreuz agreed and asked for the item to come before the Town Council in the future. Council Member Kuczenski spoke about the mail thefts happening throughout the Town and the efforts that are being made by Davie Police. He provided updates on traffic violations for the month of March. He asked the Town to make a motion to create a resolution to oppose the expansion of the Warren Henry Dealership in Davie. Mayor Breitkreuz advised there doesn't need to be a motion, just provide direction to the Town to bring a resolution forward for a future meeting. Town Administrator Berns advised Town Planner Katims to draft a letter to send to Broward County and then draft the resolution.

Vice Mayor Allbritton spoke about an article in a previous DRW newsletter written by a Cooper City Commissioner regarding Airbnb's and what can be done in terms on regulations. He spoke about the workshop held during the DIAB meeting and he advised he went to resident's homes to advise them of the workshop. He thanked Manon Stevens for hosting a kid's meet and greet. He spoke about his attendance at Archbishop McCarthy High School's 25<sup>th</sup> anniversary event and what a privilege it was to read a proclamation from the Town. Lastly, he spoke about the speed trailers throughout the Town and to please contact him if you would like to have them placed at a specific location.

Mayor Breitkreuz thanked Council Member Jablonski for bringing up the Noise Ordinance and advised the public there will be a workshop on May 25<sup>th</sup> at 6:30 p.m. to discuss possible amendments to the ordinance. He wanted to give a shout out to former Mayor Doug McKay and wish him a speedy recovery. He spoke about how blessed and fortunate he is to work beside his fellow Council Members, and they are there to listen and help the residents of the Town. He spoke about the State removing the anonymity of making code complaints and it has spurred numerous calls to the Town Council from the residents complaining of issues. The Town Council will often field the calls from the residents and handle them on their end, which can result in conflict. Mayor Breitkreuz thanked his fellow Council Members and expressed his admiration for their commitment no matter the consequences.

## **10. Legal Comments**

Town Attorney Poliakoff also spoke about the code complaint situation as well and stated there is going to be more and more repercussions for the Town going forward. He believes soon the Town Council may have to consider changing its policies on forcing Code Enforcement to be reactive rather than proactive. He thinks there may be a way the Town Council can find a compromise between the two positions as well as fixing any broken Codes, so they work for the Town and avoid pitting neighbors against each other. He spoke about a case in litigation that has been resolved in the Town's favor and a couple other cases that are also pending litigation. He wished former mayor Doug McKay a speedy recovery. He then discussed a walk on item that involves the old CCA property and the Public Private Partnership (P3) agreement to purchase and sell to MG3. However, delays have happened due to behind-the-scenes issues. The Town has been working

on resolving the issues to complete the transaction. MG3 has a development partner by the name of BBX Logistics Properties, LLC and they want to complete the project in joint assignment.

The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Hartmann, Jablonski, Kuczenski, Vice Mayor Allbritton and Mayor Breitzkreuz voting yes.

**MOTION: TO APPROVE JOINT ASSIGNMENT OF THE MG3 AGREEMENT TO BBX LOGISTICS PROPERTIES, LLC. WITH THE FOLLOWING CHANGES:**

- **CHANGE THE "RIGHT OF FIRST REFUSAL: CLAUSE TO A "RIGHT OF FIRST OFFER".**
- **ADD THE FOLLOWING CLAUSE, "THE PROPERTY CANNOT BE SOLD TO ANOTHER GOVERNMENTAL AGENCY" TO ENSURE THE TAX REVENUE REMAIN WITH THE PROPERTY.**
- **UPON STABILIZATION (90% LEASED OUT), THEY HAVE THE RIGHT TO SELL THE PROPERTY AT THAT POINT OR 3 YEARS LATER.**
- **CHANGE A TYPO FROM, "IF THEY EVER DEFAULT ON AN ISSUE, THE TOWN CAN BUY BACK THE PROPERTY FOR \$16.8 MILLION DOLLARS" TO "IF THERE IS A DEFAULT PRIOR TO BEING BUILT, THE TOWN CAN BUY BACK THE PROPERTY FOR \$16.8 MILLION, HOWEVER, AFTER IT HAS BEEN BUILT, THEY GIVE THE TOWN LIEN RIGHTS TO FORECLOSE".**

**11. Administration Comments**

Town Administrator Berns had no comments.

**Resolutions**

**12.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CONSENTING TO THE CITY OF COOPER CITY PROVIDING WATER SERVICES TO 12550 LURAY ROAD, REAL PROPERTY 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 Kuczenski, seconded by Council Member Jablonski, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Hartmann, Jablonski, Kuczenski, Vice Mayor Allbritton and Mayor Breitzkreuz voting yes.

**MOTION: TO APPROVE THE RESOLUTION.**

**13.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A SERVICE ORDER BETWEEN THE TOWN OF SOUTHWEST RANCHES AND CLEARGOV, INC. FOR A CLOUD-NATIVE BUDGET CYCLE MANAGEMENT SOFTWARE SUITE AT FIRST YEAR COST OF EIGHT THOUSAND TWENTY-FIVE DOLLARS AND ZERO CENTS,

(\$8,025.00); AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Hartmann, Jablonski, Kuczenski, Vice Mayor Allbritton and Mayor Bretkreuz voting yes.

**MOTION: TO TABLE THE RESOLUTION TO THE MAY 25, 2023 TOWN COUNCIL MEETING.**

**14. APPOINTMENTS**

- a. Broward League of Cities Board of Directors Appointment, Alternate and Second Alternate.**

The following motion was made by Council Member Jablonski, seconded by Council Member Kuczenski and approved by consensus.

**MOTION: TO REAPPOINT VICE MAYOR ALLBRITTON AS DIRECTOR, COUNCIL MEMBER JABLONSKI AS FIRST ALTERNATE AND COUNCIL MEMBER KUCZENSKI AND SECOND ALTERNATE.**

**15. Adjournment**

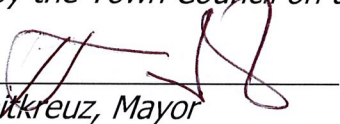
Meeting was adjourned at 9:51 p.m.

*Respectfully submitted:*



*Russell Muñiz, Assistant Town Administrator/Town Clerk*

*Adopted by the Town Council on this 25<sup>th</sup> day of May, 2023.*



*Steve Bretkreuz, 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.