



Southwest Ranches Town Council

REGULAR MEETING
Agenda of July 13, 2023

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

<u>Mayor</u> Steve Breitreuz	<u>Town Council</u> Bob Hartmann Gary Jablonski	<u>Town Administrator</u> Andrew D. Berns, MPA	<u>Town Attorney</u> Keith M. Poliakoff, J.D.
<u>Vice Mayor</u> Jim Allbritton	David Kuczenski, Esq.	<u>Town Financial Administrator</u> Emil C. Lopez, CPM	<u>Assistant Town Administrator/Town Clerk</u> Russell C. Muniz, MPA

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance**
- 3. Public Comment**
 - All Speakers are limited to 3 minutes.
 - Public Comment will last for 30 minutes.
 - All comments must be on non-agenda items.
 - All Speakers must fill out a request card prior to speaking.
 - All Speakers must state first name, last name, and mailing address.
 - Speakers will be called in the order the request cards were received.
 - Request cards will only be received until the first five minutes of public comment have concluded.
- 4. Board Reports**
- 5. Council Member Comments**
- 6. Legal Comments**
- 7. Administration Comments**

Resolutions

- 8. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA OPPOSING ANY EFFORT BY BROWARD COUNTY TO PLACE ANY WASTE TO ENERGY (WTE) PLANT(S) ADJACENT TO, OR NEARBY, THE MUNICIPAL BOUNDARY OF SOUTHWEST RANCHES; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 9. Approval of Minutes**
 - a. May 25, 2023 Workshop Minutes**
 - b. May 25, 2023 Regular Meeting**

10. Adjournment

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 A 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.



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Steve Breitkreuz, Mayor
Jim Allbritton, Vice Mayor
Bob Hartmann, Council Member
Gary Jablonski, Council Member
David Kuczenski, Council Member

Andrew D. Berns, MPA, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, MPA, Assistant Town Administrator/Town Clerk
Emil C. Lopez, CPM, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Breitkreuz and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Russell Muniz, Assistant Town Administrator/Town Clerk
DATE: 7/13/2023
SUBJECT: Opposition to Waste to Energy Plants

Recommendation

Town Council consideration for a motion to approve the resolution.

Unanimous Vote of the Town Council Required?

No

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management

Background

Current discussions and events involving the Interlocal Agreements (ILA) between Broward County (County) and the surrounding municipalities concerning the development of a Solid Waste Authority (Authority) have introduced the idea that final disposal of solid waste may best be served by an incinerator commonly referred to as a Waste to Energy (“WTE”) plant in the future. Of particular concern is the County’s desire to place the WTE plant adjacent, or nearby, to the municipal boundary of Southwest Ranches on property owned by the County.

The placement of a WTE plant has the potential to adversely affect the health and safety of Town of Southwest Ranches specifically and all the residents of Broward County generally. The placement of a WTE plant is incongruous to the Town’s desire to maintain its rural lifestyle as empirical data suggests such WTE plants negatively impact the environment by

emitting harmful contaminants into the atmosphere, and their byproducts contain injurious materials that if landfilled could contaminate the water supply that our residents rely on.

Fiscal Impact/Analysis

None.

Staff Contact:

Russell Muniz, Assistant Town Administrator/Town Clerk

ATTACHMENTS:

Description	Upload Date	Type
RESO Opposing WTE Plants - TA Approved	7/7/2023	Resolution

RESOLUTION NO. 2023 - XXX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA OPPOSING ANY EFFORT BY BROWARD COUNTY TO PLACE ANY WASTE TO ENERGY (WTE) PLANT(S) ADJACENT TO, OR NEARBY, THE MUNICIPAL BOUNDARY OF SOUTHWEST RANCHES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, current discussions and events involving the Interlocal Agreements (ILA) between Broward County (County) and the surrounding municipalities concerning the development of a Solid Waste Authority (Authority) have introduced the idea that final disposal of solid waste may best be served by an incinerator commonly referred to as a Waste to Energy (“WTE”) plant in the future; and

WHEREAS, of particular concern is the County’s desire to place the WTE plant adjacent, or nearby, to the municipal boundary of Southwest Ranches on property owned by the County; and

WHEREAS, the placement of a WTE plant has the potential to adversely affect the health and safety of Town of Southwest Ranches specifically and all the residents of Broward County generally; and

WHEREAS, the placement of a WTE plant is incongruous to the Town’s desire to maintain its rural lifestyle as empirical data suggests such WTE plants negatively impact the environment by emitting harmful contaminants into the atmosphere, and their byproducts contain injurious materials that if landfilled could contaminate the water supply that our residents rely on; and

WHEREAS, the Town Council of the Town of Southwest Ranches hereby formally opposes the placement of any WTE on property adjacent to, or nearby, the Town’s municipal boundary owned by the County, or any subsequent Authority created under the ILA, and

WHEREAS, furthermore the Town urges the County and any Authority created under the ILA to refrain from considering the placement of any WTE facilities anywhere else in the County until serious study and consideration is given to other options for final solid waste disposal including Zero-Waste, recycling, and composting.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southwest Ranches, Florida:

Section 1: The recitals above are true and correct and are incorporated herein by reference.

Section 2: The Town Council hereby formally opposes any effort to place a Waste to Energy (WTE) on property adjacent to the Town’s municipal boundary owned by the County, or any subsequent Solid Waste Authority created by the ILA.

Section 3. The Town urges the County and any Authority created under the ILA to refrain from considering the placement of any WTE facilities anywhere else in the County until serious study and consideration is given to other options for final solid waste disposal including Zero-Waste, recycling, and composting.

Section 4. The Town Clerk is directed to send a copy of this email to the Broward County Commission, and all Broward municipalities.

Section 5. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest

Ranches, Florida, this 13th day of July, 2023, on a motion by _____

and seconded by _____.

Breitkreuz	_____	Ayes	_____
Allbritton	_____	Nays	_____
Hartmann	_____	Absent	_____
Jablonski	_____	Abstaining	_____
Kuczenski	_____		

Steve Breitkreuz, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney
1001.2344.01

WORKSHOP MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 6:30 PM

May 25, 2023

13400 Griffin Road

Present:

Mayor Steve Breitkreuz

Russell Muniz, Assistant Town Administrator/Town Clerk

Vice Mayor Jim Allbritton

Emil C. Lopez, Town Financial Administrator

Council Member Bob Hartmann

Keith Poliakoff, Town Attorney

Council Member Gary Jablonski

The Workshop 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 Breitkreuz at 6:30 PM.

The following motion was made by Council Member Jablonski and seconded by Council Member Hartmann and passed by a 4-0 roll call vote. The vote as follows: Council Members Hartmann, Jablonski, Vice Mayor Allbritton, and Mayor Breitkreuz voting Yes.

MOTION: TO EXCUSE COUNCIL MEMBER KUCZENSKI.

3. Discussion – Noise Ordinance

Mayor Breitkreuz thanked everyone for attending and explained that he the reason for the workshop was that he was hearing from a lot of residents about noise issues and they believed that the Town needed to have more control over this issue, and yet many other residents felt that the Town’s Code was too restrictive. He wished to hear the resident’s views on this topic and how the Town’s Noise Ordinance could be improved.

The following members of the public voiced their opinions:

Newell Hollingsworth - sought a clarification in the difference between a “gathering” and a “party.” He explained that when a resident has a few people come over and they park inside the property and aren’t causing a disturbance in the neighborhood they can have a problem if a neighbor calls to complain. He used the example of a Thanksgiving to emphasize his point that their needs to be a distinction between those two definitions.

Mike Spitzer – relayed issues he is having in his neighborhood with subharmonic bass coming from music. This type of frequency travels far longer than regular sounds and can be felt inside his home.

Bill Buzzi - spoke of party music from a neighbor in which the police were called and the neighbor turned the music down. He further explained that 15 minutes later the music was turned up again. While that neighbor has abided by the noise ordinance for the past year, a new neighbor is now causing a disturbance every weekend. He advised that the new neighbor had the music blasting for 7 hours one day and he discovered that the neighbor had obtained a party permit which he felt provided the neighbor a “golden ticket” to make excessive noise. He felt that

whoever issues the party permits should explain to the applicant that there is still a noise ordinance they must comply with.

John Garate – He felt that the Noise Ordinance was affecting newer residents more so than long-time residents. He felt that the Noise Ordinance should have a time parameter. He felt that a poll of the residents might be helpful.

Debbie Green – was unsure how to “fix” the issue but acknowledged that the problem is worse than it’s ever been. She felt that there needed to be greater consideration for one’s neighbors.

Valerie DeAndre - felt that having to call Code Enforcement on the neighbor could create future issues of violence. Felt that Code Enforcement should be more “proactive.”

Unknown Speaker – felt that amplified speakers and bass music were the primary offenders.

Mike Spitzer – spoke of his experience in the music industry. He felt there was a basic lack of courtesy from some of the neighbors that leads to these issues. As for possible solutions to the problems, he did not think a time frame would work because people work varied work schedules. Some people who work at night are sleeping during the day. He felt that the amplified music and subharmonic bass had no place in a residential neighborhood and anyone who believed they needed to have a party with music that loud should rent a hall to host their event.

Mayor Breitzkreuz thanks everyone for coming to the workshop and providing their input. He acknowledged that amplified sound did seem to be one of the major issues noted. He felt that the Noise Ordinance could be tweaked in this regard. Regarding “Reactive” versus “Proactive” Code Enforcement, he felt this was a larger issue that would be the topic of further discussions by the Town Council. He felt the section of the Noise Ordinance that he felt was problematic concerned sound being able to be heard from an adjacent property. He felt that any adjustments to the Town Code in this regard must be logical but must also be enforceable and keeping sound to your own property was very tough to do. However, when the sound can be heard within the adjacent property owner’s house, that was another matter and should be enforceable. He felt another important component to work on was education. Educating the residents, as well as Davie Police, once the Code was amended would be extremely important so the Noise Ordinance could be applied and enforced evenly. As for the timeframe element he believed that there should be some leniency for those events that were occurring in the afternoon. He acknowledged that some people would be sleeping that work off shifts but he was seeking a middle ground on the changes to this ordinance.

Council Member Jablonski advised that from the residents he’s spoken to an area of concern was the thirty (30) person threshold for requiring a party permit. He wondered if that should be increased to forty (40) or fifty (50). Also, he indicated the Town charges for a party permit and wondered if the Town should still require the permit but provide it at no charge to encourage people to go through the process of obtaining the permit. As far as containing noise to one’s own property, he wondered if there should be a distinction between noise from people talking and noise from music. He felt that a big contributor to these noise issues is the utilization of homes

as vacation rentals. The guests utilizing these rentals are unaware of the Noise Ordinance and are frequent violators.

Council member Hartmann cited the Exemptions section of the Noise Ordinance which indicated that noise generated by the Town during Town Events was exempt and he felt that was unfair. The Town should have to abide by the same set of rules that residents have to.

Council Member Jablonski responded that these Town events only occurred at the Southwest Meadows Park or Rolling Oaks Park. Mayor Breitkreuz added that these were events intended to benefit the entire community and everyone was invited.

Vice Mayor Allbritton objected to not charging a fee for party permit applications. He felt that those that paid would be more apt to follow the rules.

Mayor Breitkreuz again thanked everyone for coming and advised that the ideas discussed would be evaluated further for suggested improvements to the Noise Ordinance.

4. Adjournment

Meeting was adjourned at 7:09 p.m.

Respectfully submitted:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this 13th day of July, 2023.

Steve Breitkreuz, Mayor

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

Thursday 7:00 PM

May 25, 2023

13400 Griffin Road

Present:

Mayor Breitreuz

Russell Muñiz, Assistant Town Administrator/Town Clerk

Vice Mayor Jim Allbritton

Emil C. Lopez, Town Financial Administrator

Council Member Bob Hartmann

Keith Poliakoff, Town Attorney

Council Member Gary Jablonski

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 Breitreuz at 7:15 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance. Council Member Kuczenski attended the meeting via telephone.

Presentations

3. WM Services Update - Barbara Herrera

Barbara Herrera, Government Affairs Manager for WM, gave a brief presentation on our Household Hazardous Waste Events. She advised that there have been two recent events, one on January 7th and April 29th. In those two events the Town generated 16 tons of refuse for collection. She advised that this was an amazing accomplishment, and this meant these items would be diverted from a landfill. She advised that the next event was scheduled on July 29th and the last event would be held in September.

4. Proclamation Presented By Council Member Kuczenski - Jewish American Heritage Month - May 2023

Council Member Kuczenski asked that this item be read into the record at the June meeting.

5. Public Comment

The following members of the public addressed the Town Council: Jill Aronofsky, Newell Hollingsworth, and John Garate.

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

MOTION: TO MOVE ITEM 12 OUT OF ORDER.

Resolutions

12. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ENTERING INTO AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY TO PARTICIPATE AS A MUNICIPAL PARTY IN AN INDEPENDENT LEGAL ENTITY KNOWN AS THE SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY, FLORIDA, ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED

HEREIN, AND AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION SUBJECT TO BROWARD COUNTY COMMITTING TO MEET WITH THE TOWN TO DISCUSS THE POTENTIAL US 27 INCINERATOR SITE PRIOR TO MAKING ANY FINAL DECISIONS OR PRESENTING THE SITE AS A POSSIBLE LOCATION TO THE LARGER BOARD.

6. Board Reports

There were no Board Reports.

Council Member Kuczenski exited the meeting at 8:19 p.m.

7. Council Member Comments

Council Member Jablonski spoke about the following upcoming Town events, the DMV FLOW program would be on hand June 28th, the June Special Magistrate meeting on June 6th, the Broward County Property Appraiser's Office having their outreach program on June 6th and Town Hall being closed in observance of Memorial Day. He also stated that the summer heat has essentially rendered the playground at Country Estates Park useless. He wished to authorize the purchase of a shade structure, as well as mulch replacement ahead of the budget process, so that families with kids could once again use this facility during the summer heat. He identified that the shade structure was estimated to cost approximately \$35,000 and the mulch replacement would cost approximately \$42,000 for a total of approximately \$77,000 with the proceeds coming from the "lien recovery fund."

The following motion was made by Council Member Jablonski and seconded by Council Member Hartmann and passed by a 4-0 roll call vote. The vote as follows: Council Members Hartmann, Jablonski, Vice Mayor Allbritton, and Mayor Breitreuz voting Yes.

MOTION: TO AUTHORIZE AN EXPENSE NOT TO EXCEED \$80,000 TO PURCHASE A SHADE STRUCTURE AND MULCH REPLACEMENT AT COUNTRY ESTATES PARK FROM THE "LIEN RECOVERY FUND."

Council Member Hartmann spoke about his recent ride along with Davie Police and what a great experience it was.

Vice Mayor Allbritton urged residents to let the Town know where the speed trailers should be placed.

Mayor Breitreuz advised that he was glad to be back after having been away on vacation. He thanked Vice Mayor Allbritton for running the meeting in his absence. He spoke favorably about

the Davie Police Vacation Watch program and urged residents to take advantage of this free service. He spoke about the Noise Ordinance Workshop held earlier in the evening. One of the issues raised was measuring decibel levels. He spoke about his conversation with Mike Spitzer who displayed a video showing how those decibel meters don't pick up on the subharmonic low bass sounds. He wished to find another way to monitor these issues. He also spoke about business licenses. He felt that business licenses require such administrative work that the costs outweigh the fees generated. While the Town could review this issue once again, he did not think it was viable.

8. Legal Comments

Town Attorney Poliakoff advised that he received notice earlier in the day from the District Court of Appeals (DCA) that Pembroke Pines would need to remove the gate that they erected on SW 207th Terrace so therefore the residents who reside there will have direct access to Griffin Road. He also advised the DCA decided in the Town's favor on 1 of 2 of the Atlas Investment cases.

9. Administration Comments

Assistant Town Administrator/Town Clerk Muñiz wished Town Administrator Berns a speedy recovery and also advised that the Town in partnership with Memorial Hospital would be hosting a Community Health Fair on Tuesday June 6th from 3 pm until 6 pm in the Council Chambers.

10. 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 SIX THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS AND ZERO CENTS (\$6,625.00); AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE. {Tabled from April 27, 2023}

The following motion was made by Council Member Jablonski and seconded by Vice Mayor Allbritton and passed by a 4-0 roll call vote. The vote as follows: Council Members Hartmann, Jablonski, Vice Mayor Allbritton, and Mayor Breitreuz voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A LEASE AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND THE CIOLI GROUP, LLC, WHICH ESTABLISHES THE SCOPE AND COMPENSATION TO THE TOWN FOR THE SOUTHWEST RANCHES COMMUNITY FARMER'S MARKET; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski and seconded by Council Member Hartmann and passed by a 4-0 roll call vote. The vote as follows: Council Members Hartmann, Jablonski, Vice Mayor Allbritton, and Mayor Breitreuz voting Yes.

MOTION: TO APPROVE THE RESOLUTION SUBJECT TO AMENDING SECTION 2, ITEM (I) PROHIBITING THE SALE OF ALCOHOL AND OPEN CONSUMPTION OF ALCOHOL, AND REMOVING SECTION 2 ITEM (G) THE REQUIREMENT OF A SPECIAL EVENT PERMIT, REMOVING SECTION 2 ITEM (I) ANIMALS, AND AMENDING THE TERM "LEASE AGREEMENT" TO "USE AGREEMENT."

- 13. Approval of Minutes**
 - a. April 27, 2023 Regular Meeting Minutes**
 - b. May 11, 2023 Regular Meeting Minutes**

The following motion was made by Council Member Jablonski and seconded by Vice Mayor Allbritton and passed by a 4-0 roll call vote. The vote as follows: Council Members Hartmann, Jablonski, Vice Mayor Allbritton, and Mayor Breitzkreuz voting Yes.

MOTION: TO APPROVE THE MINUTES.

14. Adjournment

Meeting was adjourned at 9:18 p.m.

Respectfully submitted:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this 13th day of July, 2023.

Steve Breitzkreuz, Mayor

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