



Southwest Ranches Town Council

LOCAL PLANNING AGENCY

Agenda of September 14, 2023

Southwest Ranches Council Chambers
7:30 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	<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

2. Roll Call

Resolutions

3. Prohibition of Phosphogypsum to Create or Repair Town or Private Roads

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA (“LOCAL PLANNING AGENCY”), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO SECTION 090-100 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) ENTITLED ROADWAY CAPACITY, CONSTRUCTION AND DESIGN STANDARDS; PROHIBITING THE USE OF PHOSPHOGYPSUM TO CREATE OR REPAIR TOWN OR PRIVATE ROADS; PROVIDING FOR AN EFFECTIVE DATE.

4. Approval of Minutes

- a. December 8, 2022 LPA Minutes
- b. August 24, 2023 LPA Minutes

5. 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.

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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, Esq. 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: Debra Ruesga, Deputy Town Clerk
DATE: 9/14/2023
SUBJECT: Prohibition of Phosphogypsum to Create or Repair Town or Private Roads

Recommendation

Town Council consideration for motion to approve the ordinance.

- A. Sound Governance
- C. Reliable Public Safety
- D. Improved Infrastructure

Background

Phosphogypsum is a radioactive waste byproduct created during the process to remove phosphorus from phosphate rock in the creation of fertilizer. Governor Ron DeSantis recently signed HB 1191 into law, authorizing the Florida Department of Transportation (FDOT) to undertake demonstration projects using phosphogypsum in road construction material while FDOT conducts a study to evaluate phosphogypsum as a construction aggregate material. Phosphogypsum contains radionuclides including uranium, thorium, and radium, which eventually decay to radon, a radioactive gas. The United States Center for Disease Control provides that the primary adverse health effect of exposure to increased levels of radon is lung cancer and the Environmental Protection Agency lists radon as the leading cause of lung cancer deaths in non-smokers. Allowing the use of phosphogypsum as road construction material may lead to an increased risk of exposure to radon in the air or groundwater. The Town of Southwest Ranches is a rural municipality that is mostly on well water and until the impacts of the use of phosphogypsum are known, in order to preserve the health, wellness, and safety of its residents, the Town believes that it is necessary and proper to prohibit the

use of phosphogypsum as material for road construction on Town and privately-owned roads within Southwest Ranches.

Fiscal Impact/Analysis

None

Staff Contact:

Russell Muñiz, Assistant Town Administrator
Debra Ruesga, Deputy Town Clerk

ATTACHMENTS:

Description	Upload Date	Type
Prohibition of Phosphogypsum Use	9/7/2023	Resolution

LPA RESOLUTION NO. 2023-_____

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LOCAL PLANNING AGENCY"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO SECTION 090-100 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) ENTITLED ROADWAY CAPACITY, CONSTRUCTION AND DESIGN STANDARDS; PROHIBITING THE USE OF PHOSPHOGYPSUM TO CREATE OR REPAIR TOWN OR PRIVATE ROADS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, phosphogypsum is a radioactive waste byproduct created during the process to remove phosphorus from phosphate rock in the creation of fertilizer; and

WHEREAS, Governor Ron DeSantis recently signed HB 1191 into law, authorizing the Florida Department of Transportation (FDOT) to undertake demonstration projects using phosphogypsum in road construction material while FDOT conducts a study to evaluate phosphogypsum as a construction aggregate material; and

WHEREAS, phosphogypsum contains radionuclides including uranium, thorium, and radium, which eventually decay to radon, a radioactive gas; and

WHEREAS, the United States Center for Disease Control provides that the primary adverse health effect of exposure to increased levels of radon is lung cancer and the Environmental Protection Agency lists radon as the leading cause of lung cancer deaths in non-smokers; and

WHEREAS, allowing the use of phosphogypsum as road construction material may lead to an increased risk of exposure to radon in the air or groundwater; and

WHEREAS, the Town of Southwest Ranches is a rural municipality that is mostly on well water; and

WHEREAS, until the impacts of the use of phosphogypsum are known, in order to preserve the health, wellness, and safety of its residents, the Town believes that it is

necessary and proper to prohibit the use of phosphogypsum as material for road construction on Town and privately-owned roads within Southwest Ranches; and

WHEREAS, the Local Planning Agency finds the amendment is consistent with the adopted Town of Southwest Ranches Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED BY LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. ADOPTION OF RECITALS. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. RECOMMENDATION. The Local Planning Agency recommends that the Town Council adopt the proposed amendment, attached hereto and incorporated herein by reference as Exhibit "A".

Section 3. EFFECTIVE DATE. This Resolution shall be effective immediately upon its passage.

{SIGNATURES ON FOLLOWING PAGE}

PASSED this ___ day of ____, 2023 on a motion made by Council Member

_____ and seconded by Council Member _____.

Breitkreuz _____
Allbritton _____
Hartmann _____
Jablonski _____
Kuczenski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Steve Breitkreuz, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney
1001.2383.01

LPA Resolution No. 2023-_____

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EXHIBIT "A"
PROPOSED ULDC AMENDMENT

(ATTACHED)

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LOCAL PLANNING AGENCY MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

December 08, 2022

13400 Griffin Road

Present:

Chair Steve Breitzkreuz

Vice Chair Jim Allbritton

Board Member Bob Hartmann

Board Member Gary Jablonski

Board Member David S. Kuczenski

Andrew Berns, Town Administrator

Russell Muñiz, Assistant Town Administrator/Town Clerk

Emil Lopez, Town Financial Administrator

Keith Poliakoff, Town Attorney

Local Planning Agency of the Town 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 Chair Breitzkreuz at 7:18 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Resolutions

3. LPA RESOLUTION FOR FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS UPDATE

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2023-2027; PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Board Member Jablonski and seconded by Board Member Kuczenski and passed by 5-0 roll call vote. The vote was as follows Board Members Hartmann, Jablonski, Kuczenski, Vice Chair Allbritton, and Chair Breitzkreuz voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

4. Approval of Minutes

a. August 25, 2022 LPA Meeting

The following motion was made by Board Member Jablonski and seconded by Board Member Hartmann and passed by 5-0 roll call vote. The vote was as follows Board Members Hartmann, Jablonski, Kuczenski, Vice Chair Allbritton, and Chair Breitzkreuz voting Yes.

MOTION: TO APPROVE THE AUGUST 25, 2022 LPA MEETING MINUTES.

5. Adjournment - Meeting was adjourned at 7:21 PM.

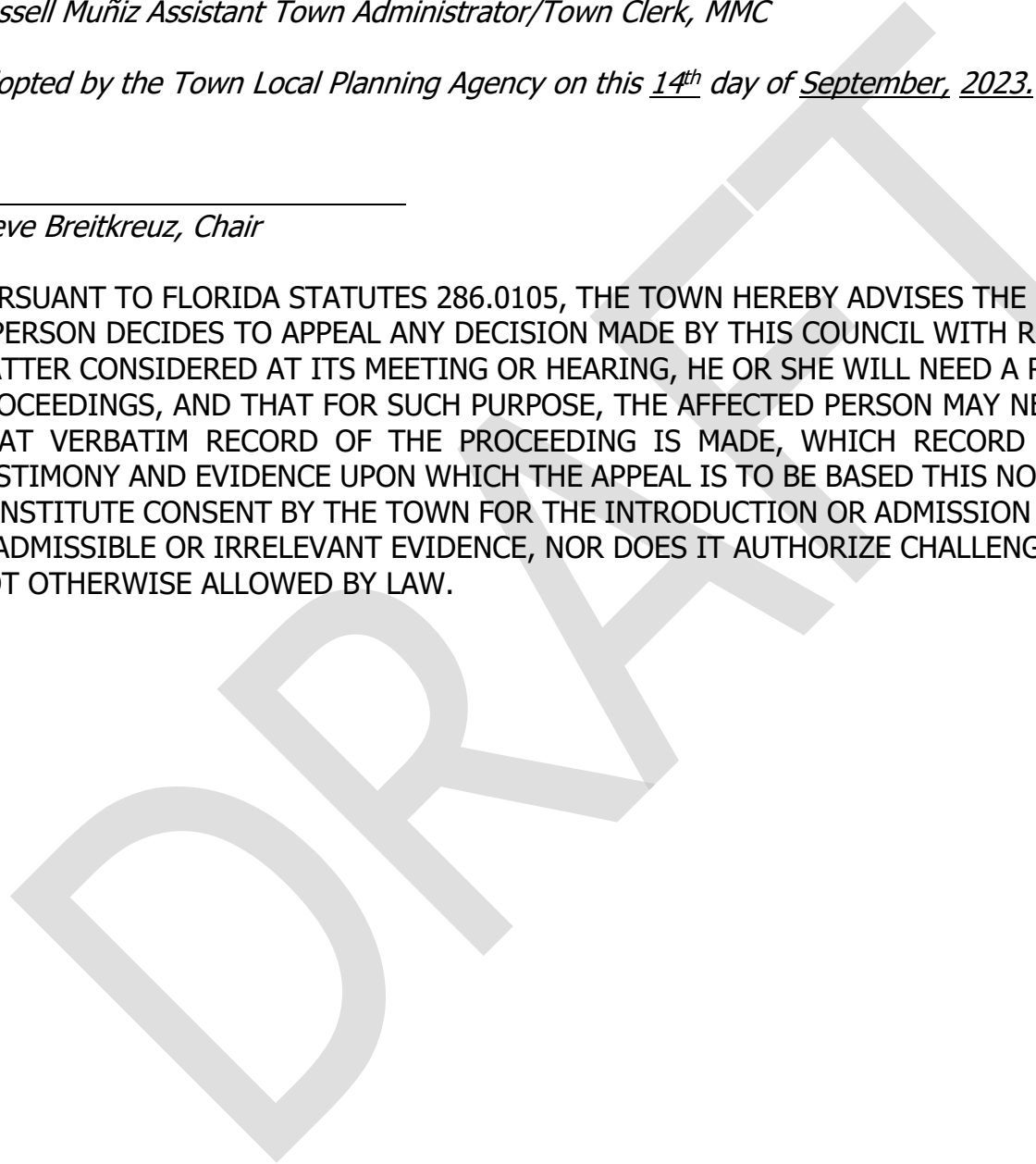
Respectfully submitted:

Russell Muñiz Assistant Town Administrator/Town Clerk, MMC

Adopted by the Town Local Planning Agency on this 14th day of September, 2023.

Steve Breitzkreuz, Chair

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.



LOCAL PLANNING AGENCY MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

August 24, 2023

13400 Griffin Road

Present:

Chair Steve Breitreuz

Vice Chair Jim Allbritton

Board Member Bob Hartmann

Board Member Gary Jablonski

Board Member David S. Kuczenski, Esq.

Andrew Berns, Town Administrator

Russell Muñiz, Assistant Town Administrator/Town Clerk

Emil Lopez, Town Financial Administrator

Keith Poliakoff, Town Attorney

Local Planning Agency of the Town 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 Chair Breitreuz at 7:00 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Resolutions

3. LPA RESOLUTION FOR HOME BASED BUSINESSES ULDC AMENDMENT

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO COMPLY WITH SECTION 559.955, FLORIDA STATUTES PERTAINING TO HOME-BASED BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

4. LPA RESOLUTION FOR HELICOPTER USE

A RESOLUTION OF THE LOCAL PLANNING AGENCY OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ("LPA"), RECOMMENDING THAT THE TOWN COUNCIL ADOPT AN AMENDMENT TO THE TEXT OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO REGULATE HELICOPTER USE WITHIN THE TOWN; PROVIDING FOR AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

5. Adjournment - Meeting was adjourned at 7:05 PM.

Respectfully submitted:

Russell Muñiz Assistant Town Administrator/Town Clerk, MMC

Adopted by the Town Local Planning Agency on this 14th day of September, 2023.

Steve Breitzkreuz, Chair

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