

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

August 24, 2023

13400 Griffin Road

Present:

Mayor Steve Breitkreuz

Andy Berns, Town Administrator

Vice Mayor Jim Allbritton

Russell Muñiz, 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, Esq.

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 Breitkreuz at 7:06 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

Quasi-Judicial Hearings

3. 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-83-23 BY ARCHBISHOP EDWARD A. MCCARTHY HIGH SCHOOL TO AMEND ITS SITE PLAN BY ADDING 3,418 SQUARE FEET OF PORTABLE CLASSROOMS, ADDING A NEW 16,000 SQUARE-FOOT INDOOR ATHLETIC TRAINING AND PRACTICE FACILITY, EXPANDING THE EXISTING ATHLETIC TRAINING FACILITY BY 2,500 SQUARE FEET, AND ADDING AN OUTDOOR POOL; NULLIFYING RESOLUTION NO. 2020-043, WHICH APPROVED A SITE PLAN MODIFICATION FOR FACILITIES THAT WERE NOT CONSTRUCTED; 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.

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 Breitkreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION SUBJECT TO STAFF RECOMMENDATIONS.

4. Resolution Approving Application #DG-24-23

A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING APPLICATION NO. DG-24-23 BY ARCHBISHOP EDWARD A. MCCARTHY HIGH SCHOOL TO AMEND THE RESTRICTIVE USE NOTE FOR PARCEL "A" OF THE BROWARD CENTRAL CATHOLIC HIGH SCHOOL PLAT TO REFLECT THE CURRENT APPROVED SITE BUILDOUT; 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.

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 Breitreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION.

5. Proclamation – Suicide Prevention Month – September 2023

The proclamation was read into the record.

At this point in the meeting Mayor Breitreuz announced there was an item to be discussed by Town Administrator Berns and turned the meeting over to him. Town Administrator Berns announced that he would be retiring in December of 2023. He stated that he loved the Town and was grateful for the opportunity to have served it. He said he had items he would like to accomplish over the next few months before he left and thanked Mayor Breitreuz for allowing him to make the announcement. Mayor Breitreuz thanked Town Administrator Berns for the work he has done, and that he has done it in a transparent way and with integrity. Vice Mayor Allbritton then asked Mayor Breitreuz what the process is in hiring a new Town Administrator. Mayor Breitreuz indicated that there were a few options available to them to hire a new Town Administrator. However, his recommendation was that Assistant Town Administrator Muniz be the next Town Administrator, but it would be up to Council to decide on how to proceed. Council Member Hartmann was also in favor of Town Administrator Muniz being hired and asked if a concurrence was needed to have Town Attorney Poliakoff draw up a contract. Town Attorney Poliakoff advised that the selection of the Town Administrator position would have to be an agenda item. Council then agreed that Assistant Town Administrator Muniz would be the correct person to be selected for the position and advised to have the item placed on the next agenda.

6. Public Comment

The following members of the public addressed the Town Council: John Steven Garate and Richard Ramcharitar.

7. Board Reports

There were no board reports.

8. Council Member Comments

Council Member Jablonski advised residents about the upcoming events for the Town; Town Hall would be closed September 4th for the Labor Day holiday, HazMat at the Barn would be September 23rd, the calendar photo contest will end September 5th, Bingo at the Barn would be September 26th, the Town Budget meetings will coincide with the September 14th and 18th Council Meetings, the DMV FLOW event will be at Town Hall on the 27th, the 6th Annual Holiday Light Contest deadline would be December 1st, and the Zero Waste Broward Task Force would be meeting on the 13th at Town Hall. He then began discussing the City of Pembroke Pines Special Meeting regarding joining the ILA with the Waste Authority and that Pembroke Pines voted not to join the ILA. He expressed his disappointment that they did not join the ILA but hoped the Town would still be able to work with them on the issue in the future. He then mentioned the possible location of the Miami Dade County Waste to Energy plant could be the old West Opa Locka Airport. He

stated that this could mean there could be two incinerators within six miles of each other right at the border of the Town.

Vice Mayor Allbritton thanked the residents for attending the City of Pembroke Pines Workshop Meeting regarding the incinerator issue. He said that it showed the Town residents were ready to take the initiative and be leaders in reducing waste and moving towards recycling. He also expressed his disappointment with the results of the vote by the City of Pembroke Pines not joining the ILA. He then discussed attending the "Active Assailant" training session at the Town Hall. He spoke about how beneficial the class was for him and recommended that if anyone has the opportunity of taking the class they should. Vice Mayor Allbritton then showed photos and video of the unveiling of the naming dedication of a portion of Flamingo Road to Archbishop McCarthy High School Way. He said the students of the school worked with the State of Florida to have it renamed. He thanked the school for inviting him and Assistant Town Administrator Muñiz for attending and said that the school is a great asset to the community. Lastly, he mentioned the City of Pembroke Pines would have a meeting on August 31st to discuss the ILA one last time before the September 1st deadline to join.

Council Member Kuczenski thanked everyone for attending the meeting. He discussed the Public Arts and Rural Design Board 11th Annual Photo Contest. He stated the photos are due September 5th, and they could end up in the calendar or even on the cover of the Town's newsletter, the Southwest Rancher. He also said he was very impressed with the new format of the newsletter. He then spoke about the 6th Annual December Holiday Lights contest and how wonderful and fun the contest is and was looking forward to it. He then thanked Town resident Richard Ramcharitar for his work on the zero-waste initiative and recognized Town resident Newell Hollingsworth for speaking at the City of Pembroke Pines Workshop meeting. He then expressed his admiration for Town Administrator Berns and his hard work and stated that Assistant Town Administrator Muniz is the most qualified for the position and looked forward to working with him in the future. He then began discussing a law recently passed by the State of Florida authorizing the Florida Department of Transportation to study the use of phosphogypsum in the construction of roads. He then described phosphogypsum as a waste product from the manufacturing of fertilizer that emits radon, which is a radioactive gas. He also stated phosphogypsum contains radioactive elements uranium, thorium, and radium. He stated the City of Cooper City recently passed an ordinance that prohibits contractors working within their city from using phosphogypsum in the construction of roads in Cooper City. He then asked Council if they would agree to passing a resolution like Cooper City by prohibiting the use of phosphogypsum in the construction of roads in the Town. Council Member Hartmann agreed that an ordinance should be created by the Town and added that resolutions should be sent to the County and FDOT advising the Town does not want phosphogypsum used on any County or State roads in or around the Town. Council agreed that it should be done and advised the administration to draft an ordinance.

Council Member Hartmann described his history working with Town Administrator Berns. He stated that he was impressed with Town Administrator Berns when he worked with him as a resident and even more so when he became a Council Member. He stated that over the years the relationship has grown to a friendship and thanked him for all his hard work and dedication to the Town. He then discussed the zero-waste initiative, and the meeting recently held at the Town. He

said the issue is a defining moment in the Town and local municipalities and their residents. He encouraged everyone to get involved and thought the easiest way to spread the word is through schools and getting students involved. He mentioned Key West, Orlando, and Gainesville as examples of cities in Florida that have wonderful zero-waste initiatives. He stated that the Town needs to get more messaging out regarding zero-waste and felt it should be the route taken in the future.

Mayor Breitreuz discussed how the zero-waste initiative is becoming an important issue to the Town and other municipalities. He spoke about a recent meeting with municipalities in western Broward County regarding the zero-waste topic and the exchange of ideas between them. He stated he believes the next step for the Town should be working to improve the Town's habits of recycling. He told Town Administrator Berns the Town should be working with Waste Management on options to move forward. Town Administrator Berns stated that Administration has already started moving forward with Waste Management on that topic. Council Member Hartmann interjected and thanked Mayor Breitreuz for the work he has done so far as the spokesperson for the Town on the zero-waste initiative. Mayor Breitreuz stated he appreciated Council Member Hartmann's words and that the issue is important and close to his heart.

9. Legal Comments

Town Attorney Poliakoff pointed out that because the City of Pembroke Pines elected not to be part of the ILA, the Town would be the furthest west municipality that would be directly impacted by the incinerator. He stressed the importance of being elected to the executive board of the Waste Authority, to be a part of the decision-making process.

10. Administration Comments

Town Administrator Berns thanked Council for their comments on his retirement. He then discussed providing data from the speed sign on 186th Avenue and after Mayor Breitreuz's suggestion would be collecting more data from the first week of school to compare them. He informed Council that half of Town staff has attended "Active Assailant" training, and the other half would be attending in the future. He then told Council as part of the training Town Hall would be closed to conduct an active drill. The closure would be happening soon and would be promoted and noticed so residents would be aware. He then mentioned Senator Geller's meeting and the issues BSO and the County and provided Council with information provided by Broward County in response to rumors circulating about the issue.

Ordinance – 2nd Reading

11. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE PERTAINING TO THE USE OF HELICOPTERS WITHIN THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading – August 10, 2023}

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 Breitreuz voting yes.

MOTION: TO APPROVE THE ORDINANCE ON SECOND READING.**Ordinance – 1st Reading**

12. . AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES TO PROVIDE A NEW SECTION PERTAINING TO THE USE OF FIREWORKS WITHIN THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

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

MOTION: TO APPROVE THE ORDINANCE ON FIRST READING WITH THE FOLLOWING AMENDMENTS: 1) NEW YEARS EVE AND NEW YEARS DAY ARE COMBINED INTO A 48 HOUR TIME FRAME; 2) REMOVE THE WORD "SPARKLERS"; 3) FIREWORKS OF 100 DECIBELS OR LOWER SHALL BE ALLOWED WITH AN APPROVED PERMIT AND A 30 DAY NOTICE.

13. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), "ARTICLE 45, "AGRICULTURAL AND RURAL DISTRICTS," 045-030, "VACATION RENTALS" BY CREATING SUBSECTION (X) TO PROMULGATE RULES CONCERNING THE UTILIZATION OF SINGLE-FAMILY RESIDENCES AS VACATION RENTALS; PROVIDING FOR LICENSURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Council Member Hartmann, 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 Breitreuz voting yes.

MOTION: TO APPROVE THE ORDINANCE ON FIRST READING WITH THE FOLLOWING AMENDMENTS: 1) PROPERTY OWNER MUST PROVIDE TENANT NOTICE OF TOWN ORDINANCES CONCERNING NOISE AND GARBAGE AND RECYCLING; 2) SUBSECTION (B) UNDER REGISTRATION REQUIRED, REMOVE THE WORDS "ON OR BEFORE THE THIRTIETH (30) DAY OF SEPTEMBER" FROM THE SENTENCE, (IS THIS A DUPLICATE?); 3) REMOVE SUBSECTION (C) 16-1264 AS IT NO LONGER EXISTS.

14. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), SECTION 010-030, "TERMS DEFINED," SECTION 035-030, "HOME OFFICES," SECTION 045-050, "PERMITTED AND PROHIBITED USES," AND SECTION 070-120, "PROMOTIONAL SIGNS," PERTAINING TO HOME-BASED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

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 APPROVE THE ORDINANCE ON FIRST READING.

Resolutions

15. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING A SECOND AMENDMENT TO THE REGIONAL INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF SOUTHWEST RANCHES PROVIDING FOR COOPERATIVE PARTICIPATION IN A REGIONAL PUBLIC SAFETY INTRANET; AUTHORIZING EXECUTION; AND PROVIDING AN EFFECTIVE DATE.

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 APPROVE THE RESOLUTION.

16. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING THE SECOND AMENDMENT TO THE PURCHASE AND SALE AGREEMENT AND PROFIT PARTICIPATION AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND BBX LOGISTICS PROPERTIES, LLC RELATING TO THE VACANT PARCEL OF LAND GENERALLY KNOWN AS THE CCA PROPERTY; EXTENDING DUE DILLIGENCE; CLARIFYING CERTAIN PROVISIONS IN THE AGREEMENTS; AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO PURCHASE AND SALE AGREEMENT AND PROFIT SHARING AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski, seconded by Council Member Kuczenski, and passed by a 4-1 roll call vote. The vote was as follows: Council Member Hartmann voting no and Council Members Jablonski, Kuczenski, Vice Mayor Allbritton, and Mayor Breitzkreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION.

17. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CONSENTING TO THE CITY OF SUNRISE PROVIDING WATER SERVICE TO 5353 HANCOCK 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 SUNRISE; 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.

18. APPROVAL OF MINUTES

- a. June 29, 2023 Executive Session Minutes
- b. June 29, 2023 Special Meeting Minutes

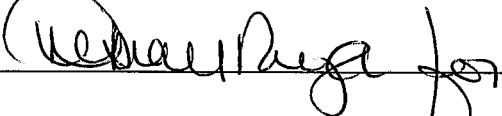
The following motion was made by Council Member Hartmann, seconded by Council Member Jablonski, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Hartmann, Jablonski, Kuczenski, Vice Mayor Allbritton, and Mayor Breitzkreuz voting yes.

MOTION: TO APPROVE THE JUNE 29, 2023 EXECUTIVE SESSION AND SPECIAL MEETING MINUTES.

19. Adjournment

Meeting was adjourned at 10:05 p.m.

Respectfully submitted:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this 12th day of October, 2023.



Steve Breitzkreuz, 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.