



Southwest Ranches Town Council

REGULAR MEETING Agenda of July 30, 2020

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

<u>Mayor</u>	<u>Town Council</u>	<u>Town Administrator</u>	<u>Town Attorney</u>
Doug McKay	Delsa Amundson	Andrew D. Berns	Keith M. Poliakoff, J.D.
<u>Vice Mayor</u>	Bob Hartmann	<u>Town Financial</u>	<u>Assistant Town</u>
Denise Schroeder	Gary Jablonski	<u>Administrator</u>	<u>Administrator/Town Clerk</u>
		Martin Sherwood, CPA CGFO	Russell C. Muniz, MMC

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

Ordinance - 1st Reading

- 8. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), SECTION 005-120, "CERTIFICATES REQUIRED" TO CLARIFY WHEN A CERTIFICATE OF USE IS REQUIRED; AMENDING SECTION 10-30, "TERMS DEFINED" AS IT PERTAINS TO AGRICULTURAL DEFINITIONS; AMENDING ARTICLE 45, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-030, "GENERAL PROVISIONS" TO REVISE REGULATIONS GOVERNING REGISTRATION, PARKING AND STORING OF VEHICLES AND EQUIPMENT, TO PERMIT THE SALE AND DISPLAY OF COTTAGE FOODS, TO REGULATE NURSERY LOCATIONS AND PROVIDE FOR NONCONFORMING USES, AND TO PROHIBIT**

CONVERSION OF DWELLINGS FOR NONRESIDENTIAL USE; AMENDING SECTION 045-050, "PERMITTED AND PROHIBITED USES" TO PROHIBIT LANDSCAPE MAINTENANCE OPERATIONS; MAKING VARIOUS AMENDMENTS OF A HOUSEKEEPING NATURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

Resolutions

9. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SETTING THE PROPOSED MILLAGE RATE AND CURRENT ROLL BACK RATE PURSUANT TO SECTION 200.065, FLORIDA STATUTES; AND ESTABLISHING THE DATE, TIME AND PLACE AT WHICH PUBLIC HEARINGS WILL BE HELD TO CONSIDER THE PROPOSED MILLAGE RATE AND THE TENTATIVE BUDGET FOR FISCAL YEAR 2021; AND DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF BROWARD COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE SENT TO THE BROWARD COUNTY PROPERTY APPRAISER AND TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.
10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS TO RESIDENTIAL PROPERTIES IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING AUTHORITY FOR SOLID WASTE SERVICES ASSESSMENTS; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FINDINGS; INCORPORATING THE SOLID WASTE SPECIAL ASSESSMENT METHODOLOGY REPORT; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; PROVIDING FOR A 50% EXEMPTION FOR VETERAN'S SERVICE-CONNECTED TOTAL AND PERMANENT DISABILITY; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.
11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA PROVIDING FINDINGS; AMENDING IN PART RESOLUTION 2011-084 BY PROVIDING A NEW SECTION 3, PURPOSE AND DEFINITIONS; INCORPORATING THE 2020 FIRE PROTECTION ASSESSMENT REPORT; APPROVING PRELIMINARY FIRE SERVICES ASSESSMENT RATES RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA FOR FISCAL YEAR 2020-21; PROVIDING FOR THE IMPOSITION AND COMPUTATION OF FIRE PROTECTION ASSESSMENTS; PROVIDING FOR AN EXEMPTION FOR VETERAN'S WITH SERVICE-CONNECTED TOTAL AND PERMANENT DISABILITY; PROVIDING FOR LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT; ESTABLISHING THE PRELIMINARY RATES OF

ASSESSMENT; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF MAILED AND PUBLISHED NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

- 12. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY PROVIDING FOR THE PROVISION OF CARES ACT FUNDING TO OFFSET UNANTICIPATED EXPENDITURES ASSOCIATED WITH THE TOWN'S EFFORTS IN RESPONDING TO THE COVID-19 PANDEMIC; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE THE INTERLOCAL AGREEMENT AND ANY AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

13. Approval of Minutes

- a. December 12, 2019 Workshop Meeting**
- b. December 12, 2019 Regular Meeting**
- c. February 13, 2020 Regular Meeting**
- d. June 25, 2020 Regular Meeting**

14. 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
Doug McKay, Mayor
Denise Schroeder, Vice Mayor
Delsa Amundson, Council Member
Bob Hartmann, Council Member
Gary Jablonski, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew Berns
FROM: Jeff Katims
DATE: 7/30/2020
SUBJECT: Nursery Ordinance

Recommendation

This Ordinance is a legislative policy matter for consideration of the Town Council.

Unanimous Vote of the Town Council Required?

Yes

Strategic Priorities

A. Sound Governance

Background

At the Council meeting on January 23, 2020 the Town Administrator presented a summary of individual Councilmember input on the Nursery Ordinance. The Council then discussed the components of the ordinance, and provided staff with general direction for revisions that are incorporated into this Ordinance.

Fiscal Impact/Analysis

N/A

Staff Contact:

Jeff Katims

ATTACHMENTS:

Description	Upload Date	Type
Nursery Ordinance - TA Approved	7/24/2020	Ordinance
Staff memorandum	6/26/2020	Executive Summary



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Andy Berns, Town Administrator
Keith M. Poliakoff, Town Attorney
Martin Sherwood, Town Financial Administrator
Russell Muñiz, Assistant Town Administrator/Town Clerk

MEMORANDUM

TO: Honorable Mayor McKay and Town Council

THRU: Andrew D. Berns, Town Administrator

FROM: Jeff Katims, Town Planner

DATE: March 12, 2020

RE: Nursery Ordinance Update

At the Council meeting on January 23, 2020 the Town Administrator presented a summary of individual Councilmember input on the Nursery Ordinance. The Council then discussed the components of the ordinance, and provided staff with general direction for revisions.

Below is a summary of the Council's direction. Where applicable, recommendations to fine-tune the directives are included for Council's consideration.

Section 2: definitions

- 1/23/20 Council consensus: no changes

Section 3.

- A. ~~This section classifies home occupations, farms, and noncommercial farms (accessory to a residence) as nonresidential uses and requires a certificate of use.~~

- 1/23/20 Council consensus: do not require farms and noncommercial farms to obtain a certificate of use.

Accordingly, a certificate of use will only be required for nonresidential, nonagricultural uses and home occupations, including retail sales of farm products and landscape materials.

- B. ~~Establishes cottage food operations as a permitted use subject to the issuance of a certificate of use. It states a certificate of use fee will not be charged for places of worship or cottage foods, although it will allow for inspections.~~

- 1/23/20 Council consensus: eliminate

Cottage food operations will be permitted but will not be required to obtain a certificate of use.

C. States that no residential building or any part thereof may be converted to a non-residential use.

- 1/23/20 Council consensus: no changes.
- Proposed revision: this language was relocated to a more logical section within the Rural and Agricultural districts regulations.

Section 4(C)(3)

Requires the following:

A. Requires the registration of parked and stored agricultural vehicles and equipment to the owner or lessee of the plot at the address of the plot (except for equestrian boarding).

- 1/23/20 Council consensus: generally comfortable with the intent.
- Proposed revision: maintain this requirement but allow parking or storage of agricultural vehicles and equipment rented by the owner or lessee of the plot for up to 60 days per calendar year.

~~B. Equestrian transports shall be parked or stored at least 25 feet from the plot lines and must be screened by a fence, wall or hedge at least six feet tall along the property line.~~

- 1/23/20 Council consensus: eliminate

~~C. Prohibits the parking and storage of vehicles / equipment on a farm that are not used predominately on the farm.~~

- 1/23/20 Council consensus: eliminate

Section J(2)

Allows nurseries to sell materials incidental to the installation, maintenance and use or plant products.

By way of example, the following are classified as incidental materials: stepping stones, river rocks, railroad ties, ponds, mulch, topsoil, fertilizer, and tree-bracing kits.

By way of example, the following are not incidental materials: lawn furniture, including benches and picnic tables, gazebos, decorative fountains, statues, recreational and playground equipment, pools and hot tubs, household goods, and rugs.

- 1/23/20 Council consensus: subject to further discussion

Section J(2)(c)

Requires incidental landscape materials to be screened from view (this is an existing requirement but was included in the discussion).

- 1/23/20 Council consensus: may be subject to further discussion

Section J(3)

~~Encourages commercial farm buildings to be designed in the Florida Vernacular architecture (Caribbean or Cracker style).~~

- 1/23/20 Council consensus: eliminate

Section K

Section K highlights a distinction that allows all plant nurseries on major roads and limited size wholesale nurseries on local roads. This section allows for nurseries to be potentially in any location by special exception. The details are outlined below.

Section K(1)

New nurseries may be established on land that has legal access to one of these roads:

- a. Griffin Road
- b. Sheridan Street
- c. Flamingo Road
- d. Volunteer Road
- e. Dykes Road
- f. SW 172nd Avenue
- g. U.S. Highway 27

- 1/23/20 Council consensus: no changes

Section K(2)

- A. If not on one of the roads above, then the nursery must be wholesale (no retail sales) on land not exceeding 2.5 net acres.
- B. If there is a house on the land, the nursery can't occupy more than 50% of the land. If there isn't a house, the nursery can occupy the entire property.
- C. This section allows for a special exception permit.

- 1/23/20 Council consensus: no changes

Section K(3)

A. Existing nurseries that do not comply with this ordinance become nonconforming uses that can operate until the use is changed or the use is discontinued for six consecutive months.

- 1/23/20 Council consensus: allow the Town Administrator to grant an extension of six months.
- Potential revisions for Council consideration:
 1. Process for granting the extension:
 - a. automatically grant the extension upon request by owner; or
 - b. owner must show good cause (illness, financial difficulties, etc.) for the discontinuance.
 2. Applicability of the extension:
 - a. the extension shall run with the property owner only; or
 - b. the extension shall be transferrable to the new owner upon sale.

B. If the above happens, nurseries that lose their nonconforming use can be re-established by special exemption permit.

- 1/23/20 Council consensus: no changes

Section K(4)

This section states the requirements for special exception permits for nurseries.

Applicant must show the nursery will be consistent with the surrounding neighborhood and will not create a nuisance. Applicant must submit the following with their application:

- Hours of Operation
- Detailed Site Plan
 - Building size and location
 - Parking (employee, patron and handicap)
 - Restrooms
 - Ingress and egress of vehicular traffic
 - Setbacks from street and adjacent properties
 - Screening of outdoor equipment / storage and retail sales
 - Outdoor lighting as per Town's code
 - Stormwater retainage and conveyance
 - Buffers and screening from adjacent residential uses and streets

- 1/23/20 Council consensus: also require commercial waste collection

Section X

Prohibits single family homes from being converted for any nonresidential purpose other than a permitted home occupation ~~unless a special exception use permit is approved by the Town Council.~~

- 1/23/20 Council consensus: eliminate the ability to convert a home to nonresidential use via special exception.

Sec. 045-050

This section clarifies that landscape maintenance business are prohibited in rural and agricultural zoning districts. It prohibits any business, activity, parking or storage relating to maintenance of offsite lawns and landscaping except as provided in section 045-030(C)(4)a.

- 1/23/20 Council consensus: subject to further discussion

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ORDINANCE NO. 2020 -

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), SECTION 005-120, "CERTIFICATES REQUIRED" TO CLARIFY WHEN A CERTIFICATE OF USE IS REQUIRED; AMENDING SECTION 10-30, "TERMS DEFINED" AS IT PERTAINS TO AGRICULTURAL DEFINITIONS; AMENDING ARTICLE 45, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-030, "GENERAL PROVISIONS" TO REVISE REGULATIONS GOVERNING REGISTRATION, PARKING AND STORING OF VEHICLES AND EQUIPMENT, TO PERMIT THE SALE AND DISPLAY OF COTTAGE FOODS, TO REGULATE NURSERY LOCATIONS AND PROVIDE FOR NONCONFORMING USES, AND TO PROHIBIT CONVERSION OF DWELLINGS FOR NONRESIDENTIAL USE; AMENDING SECTION 045-050, "PERMITTED AND PROHIBITED USES" TO PROHIBIT LANDSCAPE MAINTENANCE OPERATIONS; MAKING VARIOUS AMENDMENTS OF A HOUSEKEEPING NATURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Southwest Ranches ("Town") was founded to preserve its rural character and the rural lifestyle of its residents; and

WHEREAS, the Town Council finds it necessary to safeguard the character and intent of Agricultural and Rural Districts by regulating the location of plant nurseries, preventing the conversion of residential dwellings for commercial purposes, and regulating the parking and storage of vehicles and equipment on properties with agricultural uses; and

WHEREAS, the Town Council further finds it necessary to reinforce in the ULDC the fact that landscape maintenance businesses are not a permitted use in the Rural and Agricultural zoning districts of the Town; and

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New text is underlined and deleted text is ~~stricken~~

Text added or deleted as of March, 2020 is in blue typeface

WHEREAS, the Town Council wishes to permit cottage food operations in accordance with Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. Section 10-30, "Terms Defined" is hereby amended as follows:

[*No new changes made to this section*]

* * *

Cottage foods. The term "cottage foods" means the preparation of farm products in an unlicensed kitchen that are sold directly to consumers without a permit from the Florida Department of Agriculture and Consumer Services and in compliance with Chapter 500.80, Florida Statutes. The term does not include products sold wholesale.

* * *

Farm. The term "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm and agricultural or aquaculture products when such land is classified agricultural pursuant to F.S. § 193.461(3)(b), as may be amended from time to time.

* * *

Farm product. The term "farm product" means any plant, ~~as defined in F.S. § 581.011, any or animal, except household pets,~~ useful to humans and ~~including includes, but is not limited to,~~ any product derived therefrom, ~~the cultivation of crops, groves, thoroughbred and pleasure horse ranches, including horse boarding, private game preserves, fish breeding areas, tree and plant nurseries, cattle ranches, and other similar activities involving livestock or poultry.~~

* * *

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Landscape materials. The term "landscape materials" means items sold by a plant nursery at that are accessory to plants and plant products, including stepping stones, river rocks, cap rocks, tree-bracing kits, mulch, top soil, and fertilizer. The term does not include lawn furniture, picnic tables, rocking chairs, outdoor fire pits, grilles, monuments, decorative fountains, hot tubs, Jacuzzis, rugs, statues, gazebos and playground equipment.

* * *

Nursery. The term "nursery" means any grounds or premises on or in which nursery stock is grown, propagated, or held for sale or distribution, except where aquatic plant species are tended for harvest in the natural environment.

Nursery retail sales. The terms "nursery retail sales" and "retail nursery" means a nursery that sells plants and plant products directly to the public at a specific location with established hours of operation. The term does not include the sale of plants grown on the property for wholesale to a broker or other person for resale.

Nursery stock. The term "nursery stock" means all plants, trees, shrubs, vines, bulbs, cuttings, grafts, scions, or buds grown or kept for or capable of propagation or distribution.

* * *

Plants and plant products. The term "plants and plant products" means trees, shrubs, vines, forage and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from them.

* * *

Section 3. Article 5, "Administrative and legal provisions," Section 005-120, "Certificates Required" is hereby amended as follows:

[*The following new changes were made to this section:

- Subsection (A) is completely reworded, deleting the requirement that farms, noncommercial farms and cottage food sales obtain a certificate of.
- The ban on converting a residence to other use is moved to a more logical location later in this ordinance.*]

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- (A) Conduct of any nonresidential, nonagricultural use and any home occupation without a current and valid certificate of use from the town is prohibited. A town certificate of use is required prior to any change of a nonresidential, nonagricultural use or home occupation to another use or to another location. Retail sale of farm products, cottage foods and landscape materials are nonresidential, nonagricultural uses for the purpose of this provision. No nonresidentially zoned building or premises or part thereof, except farm buildings or structures, or premises zoned to permit any community facility, commercial or industrial use, except farms, or premises established as a legal nonconforming use, existing as of the effective date of the ordinance from which this ULDC is derived which undergoes a change of occupancy or upon which a new or different use is established, shall be occupied or used unless a certificate of use shall have been issued therefor. The original certificate shall be posted at the business location at all times.

(1) The town shall not charge a fee for review and issuance of a certificate of use for the following uses, provided that the zoning district allows for such use:

a. Places of worship.

b. Cottage food operations.

(2) No residential building or any part thereof may be converted to a non-residential use.

* * *

Section 4. Article 45, "Agricultural and Rural Districts," Section 045-030, "General Provisions" is hereby amended as follows:

* * *

- (C) *Parking and storage.* This subsection identifies the types of vehicles that may be parked or stored within the agricultural and rural districts, and associated regulations. Vehicles may be parked or stored only as an accessory use to a permanent dwelling, except that construction and agricultural vehicles and equipment may be stored on unimproved land as provided herein.

[The following changes were made to Subsection (C):

- Subsection (C)(1) was split into 4 paragraphs.

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- Owned and leased vehicles and equipment must be registered to the address of the plot upon which located.
- Equestrian transport setback and screening requirement is deleted.
- Prohibition of parking and storing vehicles or equipment not used predominantly on the farm or agricultural operation is deleted.
- Rented agricultural vehicles and equipment may be parked and stored for up to 60 days per year.]

(1) *Generally.*

- (a) All vehicles and equipment parked or stored as provided for herein must be registered to a permanent, full-time resident of the premises at the address of the plot, unless otherwise provided herein.
- (b) All such vehicles and equipment shall be operable and capable of immediate use unless being repaired pursuant to subsection (B) of this section.
- (c) All ~~and all~~ vehicles must have a current, valid registration and associated department of highway safety and motor vehicles license plate where license plates are required by law.
- (d) Additionally, none ~~None~~ of the provisions of this subsection shall be construed to allow the parking or storage of any vehicle or equipment upon any drainage swale abutting a street, or within any street right-of-way or easement, except as specifically provided for the storage of construction equipment.

* * *

- (3) *Agricultural vehicles and equipment.* Parking and storage of vehicles and equipment necessary for conducting a permissible agricultural or equestrian use is permitted on the plot upon which they are used. ~~provided that the vehicles and equipment are registered to an owner or lessee of said plot except in the case of equestrian boarding operations that allow boarders to~~ Agricultural vehicles and equipment may be stored anywhere within a plot without the need for screening or enclosure, and with no limitation on quantity and shall be registered pursuant to paragraph (C)(1), except as follows:

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(a) The registration requirement in (C)(1) shall not apply to boarders who keep their equestrian transports on the plot of an equestrian boarding operation.

(b) The aggregate capacity of equestrian transports shall not exceed the number of stables or horses kept on the property, whichever is greater.

(c) The registration requirement in (C)(1) shall not apply to agricultural vehicles or equipment rented to the owners or lessees of the plot upon where they are parked, stored and used for up to 60 days per 12 month period.

* * *

(J) *Farm, and plant nursery retail sales and tree nursery site display and sales (commercial and noncommercial).*

[*The architectural theme is deleted from this Subsection (J)*]

- (1) On-premise sales and display for farms and noncommercial farms are limited to farm products and cottage foods prepared from farm products that are grown, raised or cultivated on the plot where they are being sold, except as provided in paragraph (2), below.
- (2) A nursery may sell materials that are customarily incidental to the installation, maintenance, and use of such plant products. On-premise sales and display for nurseries that are farms are limited to plants grown or cultivated on the plot where they are being displayed or sold, and to accessory on-premise sales and display of related landscaping materials that are customarily incidental to such plant sales and display, and that are an integral part of the landscape or hardscape, or are tools used to install landscaping and hardscaping. The display of incidental landscape materials must be screened from the view of adjacent streets and properties.
 - a. By way of example, the following are classified as incidental materials: stepping stones, river rocks, railroad ties, ponds, mulch, topsoil, fertilizer, and tree-bracing kits.
 - b. By way of example, the following are not incidental materials: trailers, wagons, lawn furniture, including benches and picnic tables, gazebos, decorative fountains,

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statues, recreational and playground equipment, pools and hot tubs, household goods, and rugs.

- c. The outdoor display of incidental landscape materials must be screened from the view of adjacent streets and properties.

~~(3) The town encourages commercial farm buildings to be designed in the Florida Vernacular architecture of Caribbean or Cracker style. This architecture generally promotes generous roof overhangs, colonnades, porches and balconies, and sloped standing seam metal roofs.~~

(K) Permitted nursery locations.

[*The following new changes are made to subsection (K):

- Town Administrator is authorized to grant a single 6-month extension for a nonconforming nursery in the event it is discontinued
- Any nursery approved via special exception shall obtain commercial waste collection.]

- (1) Nurseries may be established on plots that have legal access to one of the following roadways, provided that nursery traffic shall exclusively use such roadways for access:

- a. Griffin Road
- b. Sheridan Street
- c. Flamingo Road
- d. Volunteer Road
- e. Dykes Road
- f. SW 172nd Avenue
- g. U.S. Highway 27

- (2) Any nursery not authorized in paragraph (1) above is permitted only under the following circumstances:

- a. Wholesale nurseries with no retail sales, located on plots not exceeding 2.5 net acres in area. If there is a dwelling on the plot, the nursery shall not occupy more than 50 percent of the plot. If the plot has not been developed for residential as of [date of ordinance adoption] and remains undeveloped for residential use, the nursery may occupy the entire plot.

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- b. By special exception permit in accordance with paragraph (4), below and Article 112.
- (3) Nurseries existing as of [*date of ordinance adoption*] that do not comply with the requirements of paragraphs (1) or (2) are nonconforming uses that may continue to operate until such time that the use is changed to another use or is discontinued for a period of six (6) consecutive months. *The town administrator may grant a single six (6) month extension upon request. In the event the property is sold or leased within the extension period, the balance of the extension shall be transferrable to the new owner or lessee.* A nursery that has lost its nonconforming use status may be re-established on the same plot only upon issuance of a special exception use permit in accordance with paragraph (4) Article 112.
- (4) The following are requirements of all special exception use permits for nurseries:
- a. The applicant shall demonstrate how the nursery will be operated in a manner that is consistent with the character of the surrounding neighborhood and will not create a nuisance. Required information shall include: hours of operation; detailed site plan that addresses building size, location, screening and adequate parking for employees and patrons (if applicable), including handicap parking, restrooms, ingress and egress of vehicular traffic, setbacks from the street and adjacent properties, outdoor equipment screening or storage, screening of items for retail sale stored outside (if applicable), and use of outdoor lighting in compliance with Article 95.
- b. The applicant shall demonstrate how stormwater will be retained onsite or appropriately conveyed, as applicable, in compliance with the requirements of this chapter and the applicable drainage district standards.
- c. The property shall adequately buffer and screen abutting residential uses and streets, to the satisfaction of the town council, from the vehicular use areas and portions of the property associated with retail sales, including any portion of the nursery periphery where retail customers have access.
- d. *The nursery shall utilize commercial waste collection service.*

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New text is underlined and deleted text is ~~stricken~~

Text added or deleted as of March, 2020 is in *blue typeface*

[existing subsections k. through u. are hereby re-numbered as l. through v.]

* * *

[*The option of obtaining a special exception permit to convert a home to nonresidential use is deleted from new subsection (X)*]

~~(X) *Conversion of single-family dwelling prohibited.* A building designed, constructed or used as a single-family detached dwelling shall not thereafter be modified or utilized for any nonresidential purpose other than a permitted home occupation residential accessory use unless a special exception use permit is first approved by the town council.~~

* * *

Section 4. Article 45, "Agricultural and Rural Districts," Section 045-050, "Permitted and Prohibited Uses" is hereby amended as follows:

[*No new changes were made to Sec. 045-050*]

Sec. 045-050. – Permitted, accessory, conditional, special exception and prohibited uses.

Plots in rural and agricultural districts may be used for one (1) or more of the uses that are specified below as being permitted, ~~or~~ conditionally permitted, accessory, or special exception uses. Special exception uses require town council approval pursuant to article 112:

Key to abbreviations:			
P=Permitted use	NP=Not permitted	C=Conditional use	<u>SE=Special exception use</u>

Permitted Principal Uses	A-1	A-2	RE	RR
One single-family detached dwelling on a lot of record	P	P	P	P
Nonprofit neighborhood social and recreational facilities	P	P	P	P
Cemetery (subject to section 045-030(U))	P	NP	NP	NP

Ordinance No. 2020-____

New text is underlined and deleted text is ~~stricken~~

Text added or deleted as of March, 2020 is in blue typeface

Community residential facilities (subject to section 045-030(S))	P	P	P	P
Crop raising and nurseries (commercial and noncommercial (subject to section 045-030(J))	P	P	P	P
<u>Any business, activity, parking or storage relating to maintenance of offsite lawns and landscaping except as provided in section 045-030 (C)(4)a.</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
Essential services (subject to section 045-030(K))	P	P	P	P
Fish breeding (commercial and noncommercial)	P	P	P	P
Keeping, breeding of animals (subject to section 045-030(F))	P	P	P	P
Commercial equestrian operations	P	P	P	P
Veterinary clinics (no overnight stay or animal runs)	P	P	NP	NP
Veterinary hospitals	NP	P	NP	NP
Kennels, commercial boarding and breeding	NP	P	NP	NP
Cannabis-related uses	NP	NP	NP	NP
Wireless communication facilities (subject to article 40, "Telecommunication Towers and Antennas.")	P	P	P	P
<i>Permitted accessory uses to a single-family dwelling</i>				
Detached guesthouse (subject to section 045-030(G))	P	P	P	P
Exhibition of Class I and Class II wildlife (subject to section 035-070 pertaining to conditional uses)	C	C	NP	C
Keeping, breeding of animals (subject to section 045-030(F))	P	P	P	P
Yard sales (subject to section 035-060 pertaining to conditional uses)	C	C	C	C
Home offices (subject to section 035-030 pertaining to conditional uses)	C	C	C	C
Family day care homes	P	P	P	P
Cannabis-related uses	NP	NP	NP	NP
Accessory structures and uses, other	P	P	P	P

Ordinance No. 2020-____

New text is underlined and deleted text is ~~stricken~~

Text added or deleted as of March, 2020 is in blue typeface

Section 5. Article 60, "Community Facility District," Section 060-030, "Permitted and Prohibited Uses" is hereby amended as follows:

[*No new changes were made to Article 60*]

Sec. 060-030. – Permitted, accessory, conditional, special exception and prohibited uses.

Permitted uses in the community facility district shall be limited to those uses specified as permitted, ~~or conditionally permitted~~ or special exception uses in the master use list. Special exception uses require town council approval pursuant to article 112. All permitted uses shall be governmentally owned (public) or operated, or not-for-profit, unless otherwise specified. Uses are subject to applicable provisions of section 060-090, "Limitations of uses." Specific subsection references are included in the following master use list:

Master Use List

P=Permitted use	C=Conditional use	A=Accessory use only	<u>SP=Special exception use</u>	NP=Not permitted
-----------------	-------------------	----------------------	---------------------------------	------------------

Use	
Accessory dwelling (see section 060-090(A))	A
Agricultural uses (subject to sections 045-030(J), "Sale of farm products and incidental-nursery retail sales products, " and 060-020(I), "Animals")	P
Cannabis-related uses	NP
Cemeteries (see section 060-090(B))	P
Cemeteries accessory to a place of worship (see section 060-090(B))	A, C
Civic center, incl. library, museum, art gallery and other such exhibitions	P
Community residential facilities (see section 060-090(C))	P
Day care or preschool, accessory to place of worship or primary school only	A
Essential services	P
Fire protection facilities	P
Funeral home accessory to a cemetery	A
Governmental administration offices	P

Ordinance No. 2020-____

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Outdoor events (see section 035-040, "Outdoor event permits")	C
Parks, public	P
Places of worship (see section 060-060, 060-090(D) and 060-090(E))	P
Police protection facilities	P
School, primary and secondary, public or private (see section 060-090 (D))	C
Wireless communication facilities (see article 40, "Telecommunication Towers and Antennas")	P

Section 6: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

Section 7: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 8: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 9: Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

PASSED ON FIRST READING this ____ day of _____, 2020 on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____, 2020, on a motion made by _____ and seconded by _____.

(Signatures are on the Following Page)

Ordinance No. 2020-____

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Text added or deleted as of March, 2020 is in blue typeface

McKay _____
Schroeder _____
Amundson _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney
37245265.1

Ordinance No. 2020-____
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Text added or deleted as of March, 2020 is in blue typeface

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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
Doug McKay, Mayor
Denise Schroeder, Vice Mayor
Delsa Amundson, Council Member
Bob Hartmann, Council Member
Gary Jablonski, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Martin D. Sherwood, Town Financial Administrator
DATE: 7/30/2020
SUBJECT: FY 2020-2021 Proposed Preliminary Millage Rate

Recommendation

It is recommended that the Town Council ratify the attached Resolution to set the proposed preliminary Millage Rate for Fiscal Year 2020-2021 at not higher than 4.2125 mills (\$4.2125 per \$1,000 in taxable value) which is 5.46% lower than the "roll-back" rate.

Unanimous Vote of the Town Council Required?

No

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management
- C. Reliable Public Safety
- D. Improved Infrastructure
- E. Cultivate a Vibrant Community

Background

Issue:

To ratify a proposed preliminary Budget Millage rate for Fiscal Year 2020-2021.

The Town of Southwest Ranches received the 2020 Certification of Taxable Value from the Broward County Property Appraiser by July 1, 2020. The Town must now establish a proposed (not-to-exceed) millage that can be mailed with the notice, date, time, and location of our public

budget hearings to all property owners. The deadline for returning our proposed millage for our 2020-2021 budget to the Property Appraiser, Tax Collector and Florida Department of Revenue is Friday, August 4, 2020.

The current proposed rate is 5.46% lower than the roll-back millage rate and can be established by simple majority ratification of 3 out of 5 Council members. This rate comprises solely of the Town of Southwest Ranches regular operating rate (4.2125) and results in a savings of \$61 per \$250,000 of taxable value and will result in the Town receiving \$361,566 in lower revenue from property taxes in FY 2021 as compared to the prior year. Due to opportunities for funding from a new Mobility Advancement Program (MAP-f/k/a Broward County Transportation Surtax), the Transportation Surface Drainage Ongoing Rehabilitation program will not be proposed as funded via millage for the first time since 2015.

It should also be noted that individual properties of comparable market value likely have different taxable values depending upon several factors. A common exemption which may influence taxable value is the \$50,000 Homestead exemption as is the "Save Our Homes." The latter prohibits taxes on any (non-improved) home with that exemption from rising more than 3% annually in taxable value irrespective of the increase in market value. However, property owners whose taxable values have not changed, will experience a 9.53% reduction in the property taxes at this proposed rate.

The proposed millage rate funds vital Public Safety services as well as several Town Council priorities which improve quality of life for those using the services and operational improvements and, ultimately, are expected to raise market values throughout the Town. Some of the capital improvements include continued funding for "Drainage Improvements" and "Frontier Trails Park". Another budgetary item of note is the transfer of funds to pay the normal amortization of borrowed funds/debt previously obtained for public purpose land/PROS acquisition as well as a provision for anticipated increased amortization payments in the future. Finally, it shall be noted that no utilization in unassigned General Fund fund balance is proposed. The Towns' projected unassigned General Fund fund balance at September 30, 2021 is \$3,781,836 which represents almost 29% of the FY 20-21 proposed total General Fund expenditures and transfers. A Government Finance Officers Association (GFOA) "best practice" recommends the maintenance of unassigned General Fund fund balance at a minimum of 16.67%.

The resolution before the Town Council tonight does not address budgetary allocations directly. Rather, it establishes an advertised rate for the Truth-In-Millage (TRIM) notices as below explained and notices the community of the public hearing set for:

Monday, September 14, 2020 @ 6:00 PM
Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330

Fiscal Impact/Analysis

Establishing a preliminary Budget millage rate that requires a majority vote (3 out of 5 members and also known as the Town of Southwest Ranches regular operating + TSDOR - see Exhibit A) with total resulting net revenues of \$6,260,159 will enable the Town Council to evaluate all management's proposed budgeted FY 2020-2021 operating, capital improvement and program modification recommendations (19 funded and 20 unfunded) while also receiving public discussion and input during our scheduled budget workshop and hearings. Since the rates are a not-to-exceed rate, it can be lowered with no additional "notice" costs. Raising the rate later would require the expense of an additional first-class mailing to all Southwest Ranches property

owners.

Staff Contact:

Martin D. Sherwood, Town Financial Administrator
Richard Strum, Controller

ATTACHMENTS:

Description	Upload Date	Type
RESO 2020-xxx Proposed 20-21 Millage_Rate-TA Approved	7/24/2020	Resolution
FY 21 millage maxs-4.2125-FINAL-Exhibit A-07302020	7/21/2020	Resolution

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RESOLUTION NO. 2020-XXX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SETTING THE PROPOSED MILLAGE RATE AND CURRENT ROLL BACK RATE PURSUANT TO SECTION 200.065, FLORIDA STATUTES; AND ESTABLISHING THE DATE, TIME AND PLACE AT WHICH PUBLIC HEARINGS WILL BE HELD TO CONSIDER THE PROPOSED MILLAGE RATE AND THE TENTATIVE BUDGET FOR FISCAL YEAR 2021; AND DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF BROWARD COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE SENT TO THE BROWARD COUNTY PROPERTY APPRAISER AND TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 1, 2020 the Property Appraiser of Broward County served upon the Town of Southwest Ranches (the "Town"), a "Certification of Taxable Value" certifying to the Town its 2020 taxable value; and

WHEREAS, the provisions of Section 200.065, Florida Statutes, require that within thirty-five (35) days of service of the Certification of Taxable Value upon a municipality, said municipality shall be required to furnish to the Property Appraiser of Broward County the proposed operating millage rate, the current year rolled-back rate, and the date, time and place at which a first public hearing will be held to consider the proposed millage and the tentative budget; and

WHEREAS, pursuant to Section 200.065, Florida Statutes, the taxing authority must advise the Property Appraiser of said proposed millage rate and of the date, time and place at which a public hearing will be held to consider the proposed millage rate and the tentative budget for the preparation of the Notice of Proposed Property Taxes (TRIM Notice).

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

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. That the proposed operating Millage Rate for the first public hearing shall be 4.2125 mills, which is \$4.2125 dollars per \$1,000 of assessed property within the Town of Southwest Ranches for the 2020-2021 fiscal year.

Section 3. That the current year rolled-back rate, computed pursuant to 200.065 Florida Statutes, is \$4.4558 dollars per \$1,000.

Section 4. That the proposed operating millage rate is lower than the rolled-back rate by 5.46%.

Section 5. The date, time and place of the public hearings to consider the above-referenced proposed millage rate and tentative budget shall be as follows:

Date: Monday, September 14, 2020
Time: 6:00 PM
Place: Southwest Ranches Council Chambers
13400 Griffin Road
Southwest Ranches, Florida 33330

Date: Thursday, September 24, 2020
Time: 6:00 PM
Place: Southwest Ranches Council Chambers
13400 Griffin Road
Southwest Ranches, Florida 33330

Section 6. The Town Clerk or designee is hereby directed to send a Certified Copy of this Resolution to the Property Appraiser and Tax Collector for Broward County.

[Signatures on Following Page]

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

Ranches, Florida, this 30th day of July, 2020, on a motion by

_____ and seconded by _____.

McKay _____
Schroeder _____
Amundson _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____

Doug McKay, Mayor

ATTEST:

Russell Muniz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff, Esq., Town Attorney
37244832.1

EXHIBIT A

Fiscal Year 2021 Millage Maximums and Related Information (Based on Certified Assessment Information)					
Millage Name	Votes Required	Maximum Millage	Total Resulting Net Revenues	Net Revenue Change (from prior year adopted rate funding level)	FY 2021 levy increase (decrease) per \$250,000 of taxable value
FY 2020-2021 Proposed Rate (Town of SWR Operating 4.2125 + TSDOR .0000 Rates)	3	4.2125	\$6,260,159	(\$659,676)	(\$61) *
Current Year Roll-Back Rate (Town of SWR Operating 4.4558 + TSDOR .0000 Rates)	3	4.4558	\$6,621,724	(\$298,110)	\$0
FY 2019-2020 Adopted Rate (Town of SWR Operating 4.2125 + TSDOR .4439 Rates)	3	4.6564	\$6,919,834	\$0	\$50
Maximum Majority Vote	3	4.7552	\$7,066,660	\$146,826	\$75
Maximum Super Majority Rate	4	5.2307	\$7,773,296	\$853,462	\$194
Unanimous (Maximum)	5	10.0000	\$14,860,910	\$7,941,076	\$1,386

Note: * Property owners without a change in net taxable value will receive a real cash reduction of 9.53% in their Town of Southwest Ranches portion of their tax bill due to the proposed reduction in the millage rate from 4.6564 to 4.2125.



Town of Southwest Ranches
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Southwest Ranches, FL 33330-2628

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Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Martin D. Sherwood, Town Financial Administrator
DATE: 7/30/2020
SUBJECT: FY 20-21 Proposed Initial Solid Waste Assessment Rates

Recommendation

It is recommended that the Town Council ratify the attached Resolution to set the initial Solid Waste special assessment maximums in accordance with Exhibit A and which includes ratification for an annual special 50% tax exemption for 100% service-connected disabled veterans.

Unanimous Vote of the Town Council Required?

No

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management
- E. Cultivate a Vibrant Community

Background

Issue

This resolution is necessary in order to comply with Florida Statutes, to facilitate the preparation of the Truth in Millage (TRIM) Notices, and to authorize the Town Administrator and Town Financial Administrator to prepare, or cause to be prepared, a preliminary Assessment Roll for the 2021 Fiscal Year.

Since the rates are a not-to-exceed rate, they can be lowered without additional transaction costs. Raising the rate later would require the expense of an additional first-class mailing to all Southwest Ranches property owners. Without adoption of this (or similar) resolution no funding would be available to cover the expenses of solid waste & recycling and bulk waste collection

and disposal.

Background

Chapter 197.3632, Florida Statutes, and Town Ordinance No. 2002-08, requires the annual adoption of an Initial Solid Waste Assessment Resolution. Proceeds derived by the Town from the Solid Waste Service Assessments will be utilized for the provision of solid waste services, planning administration, equipment and programs. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used exclusively to fund the qualified expenditures above stated.

The approval of the Estimated Solid Waste Assessment Rate Schedule by the adoption of the Initial Assessment Resolution determines the amount of the Solid Waste Assessed Costs advertised. This initial assessment rate is necessary in order to notify the Property Appraiser of the initial assessment rate and hearing schedule for purposes of the Truth in Millage (TRIM) notifications. The initial assessment rates being proposed reflect no changes from the prior fiscal year and are based on a consultant study utilizing tranches of minimums/maximums based on square footage ranging from \$593.01 to \$879.74 for residential (not commercial) properties.

For last year's rates (FY 2019/2020), Council adopted a decrease in all residential categories averaging 5.4%, depending on parcel lot size square footage and still was able to retain full cost recovery. This was primarily due to successful Management and Legal negotiations obtaining a permanent reduced bulk disposal maximum generation factor from 4.67 to 3.73 tons per unit per year. Next years (FY 2020/2021) rates are proposed at no changes to any parcel lot size and will continue to maintain full cost recovery status. The annual collection element contract adjustments include: 1) an increase based on the Miami/Fort Lauderdale consumer price index (1.12%) and 2) a decrease in the year-to-year fuel adjustment indices (-3.79%) which, when converted to dollars, primarily offset each other enabling no changes to rates. However, total proposed solid waste assessment expenses have slightly increased \$6,337 to \$1,820,084 from \$1,813,747 due to an increase in total service units (to #2,629 from #2,610).

The final assessment hearing is scheduled for:

Monday September 14, 2020 at 6:00 PM
Southwest Ranches Town Hall
13400 Griffin Road
Southwest Ranches, FL 33330

Fiscal Impact/Analysis

For FY 2021 and pursuant to Exhibit A attached, it is recommended and proposed that all residential assessment rate tranches remain the same (no changes). Future year changes will depend upon the impact from the aforementioned mandated contractual consumer price and fuel indices adjustments. Further, it is important to note that rates are not impacted from Townwide solid waste and bulk waste recovery efforts due to Emergency disaster efforts. Our Series 2018 \$10 million emergency LOC debt service has been repaid and is therefore fully restored and available to draw.

upon in the future, when necessary.

Finally, starting initially with FY 2017/2018 the Town of Southwest Ranches has continued to provide for a 50% exemption from Solid Waste assessments for 100% service-connected qualified disabled veterans pursuant to a unanimous vote of Town Council. For FY 2020-2021, eleven veterans have qualified for and claimed this exemption (no change from last year). The total dollar impact to the Town's General Fund from eleven (11) Property Appraiser 100% service-connected qualified disabled veterans is approximately \$3,261.56 (50% of \$6,523.11).

Staff Contact:

Martin D. Sherwood, Town Financial Administrator
Richard Strum, Controller

ATTACHMENTS:

Description	Upload Date	Type
20-21_RESO-Solid_Waste_Assessment_Initial-TA Approved	7/24/2020	Resolution
FY 21 SW Asses wTran wSAMERATES-FINAL-Exhibit A-07302020	7/21/2020	Resolution

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RESOLUTION NO. 2020-xxx

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS TO RESIDENTIAL PROPERTIES IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING AUTHORITY FOR SOLID WASTE SERVICES ASSESSMENTS; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FINDINGS; INCORPORATING THE SOLID WASTE SPECIAL ASSESSMENT METHODOLOGY REPORT; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; PROVIDING FOR A 50% EXEMPTION FOR VETERAN'S SERVICE-CONNECTED TOTAL AND PERMANENT DISABILITY; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council has adopted a Solid Waste Service Assessment Ordinance, Ordinance Number 2002-8 (the "Ordinance") on final reading at the Town Council meeting of June 24, 2002; and

WHEREAS, the adoption of solid waste assessment rates resulting from the Town Council's policy direction requires the annual adoption of a Preliminary Assessment Resolution and the annual adoption of a Final Assessment Resolution, as required under the Ordinance as well as under the Uniform Method of Collection provided under Florida Statutes Chapter 197.3632;

WHEREAS, the Town Council, during the Fiscal Year 2018, made an initial policy decision, regarding legally recognized disabled veterans who live on homesteaded properties titled in their name in the Town, and who have received a Disabled Veterans ad valorem tax exemption providing them with a 50% exemption for Solid Waste and Bulk Waste Assessments pursuant to R-2017-058 approved on September 13, 2017 via unanimous vote and wish to provide for such exemption for the Fiscal Year 2021.

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

Section 1. Authority. This resolution is adopted pursuant to the provisions of Ordinance No. 2002-8 as codified and as may have been amended, sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 2. Purpose and Definitions. This resolution constitutes the Preliminary Assessment Resolution as defined in the Ordinance (codified as Sections 16-108 through 16-173 in the Town of Southwest Ranches Code of Ordinances, hereinafter "Code"). All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the

singular number include the plural number, and vice versa. As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Assessed Parcel" means those parcels with one or more Dwelling Units which are specially benefitted by the provision of solid waste collection and disposal services and which are subject to the Solid Waste Assessments authorized by this Initial Resolution.

"Bulk Waste" means materials including yard trash, white goods, and clean debris, as such terms are defined in §16-108 of the Code, as may be amended, generated from residential activities and those materials generally outlined in §16-19 of the Code as acceptable for bulk trash pickup.

"Commercial Property" or "Non-residential Property" means collectively those Parcels with DOR Codes, Use Codes or Usage indicating more than just single-family residential uses and that may have no Dwelling Units present on the parcel. Commercial Property or Non-residential Property, for the purposes of this Resolution, includes commercial, institutional, industrial, vacant/agricultural and other all uses, except for Residential Property as defined in this Initial Resolution. As Non-residential Properties are billed directly for services by the Town's Solid Waste Provider, such parcels are not subject to the Assessments authorized by this Initial Resolution. Combination Commercial or Non-residential uses with single-family residential uses are subject to the Assessments authorized by this Initial Resolution in addition they shall be billed directly for services by the Town's Solid Waste Provider.

"DOR Code" means a property land use code established in Rule 12D-8.008, Florida Administrative Code, assigned by the Property Appraiser to Parcels within the Town. Additionally, the Broward County Property Appraiser assigns property Use Codes to parcels and structures. DOR Codes and associated Use Code descriptions are used in the development of the Solid Waste Assessments set forth in this Resolution and in preparation of the Assessment Roll. Where the use of a parcel indicates a use different from the DOR Code assigned to the parcel, the Town has the authority to impose a rate based on the use regardless of the DOR Code assigned to the parcel.

"Dwelling Unit" means (1) a building, or portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only, or (2) the use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes or the like for residential purposes. A mobile home is an individual Dwelling Unit. For purposes of this Resolution and imposition of the Solid Waste Assessment, a Dwelling Unit, as defined herein, may be located on parcels other than residential property under the Town's zoning and development regulations.

"Estimated Solid Waste Assessment Rate Schedule" means that rate schedule as specified in the Report set forth in Exhibit "A", attached hereto and incorporated herein by reference, specifying the Solid Waste Assessed Costs and the estimated Solid Waste Assessments.

"Household Waste" means and includes garbage, rubbish, and recovered materials, as those terms are defined in §16-108 of the Code, as may be amended, and recyclable materials as defined in §16-24 of the Code, as may be amended, generated from residential activities and excluding Bulk Waste.

"Report" or **"Town of Southwest Ranches Solid Waste Assessment Report"** means the report detailing the development of the Solid Waste Assessment Rates by New Community Strategies amended and revised per Council action dated September 12, 2011.

"Residential Property" means those Assessed Parcels with a DOR Code number on the following list or range: 1 - 9, 63 used as residential, 66 - 69 used as residential, 71 used as residential, or otherwise designated as residential property under the DOR Codes and Use Codes. Residential Property includes single family/duplex as well as single family developed property with multiple dwelling units. Residential Property, for purposes of this Resolution and imposition of Solid Waste Assessments, shall include all parcels with one or more Dwelling Units present on the parcel regardless of the DOR Code number or Use Code assigned to the parcel. All Residential Property shall be assessed based on the number of Dwelling Units for Household Waste and based on parcel size for Bulk Waste according to the rate schedule in the Report, by New Community Strategies amended and revised per Council action dated September 12, 2011, as may be modified in the Final Resolution adopted after the September 12, 2013 Public Hearing. Combination Commercial or Non-residential uses with single family residential uses are subject to the Assessments authorized by this Initial Resolution in addition they shall be billed directly for services by the Town's Solid Waste Provider.

"Vacant/Agricultural Property" means those Assessed Parcels designated as vacant or agricultural in the Property Appraiser's Data Base and that have no dwelling units on the parcel. For purposes of this Resolution, Vacant/Agricultural Property is treated as Commercial or Non-residential Property. As such, Commercial or Non-residential Properties shall be billed directly for services by the Town's Solid Waste Provider, such parcels are not subject to the Assessments authorized by this Initial Resolution.

Section 3. Provision and Funding of Solid Waste Services.

Upon the imposition of a Solid Waste Assessment for solid waste collection and disposal services, facilities, or programs against Assessed Property located within the Town, solid waste collection and disposal services shall be provided to such Assessed Property. It is the Town's intent to fully fund residential solid waste services, facilities, or programs from proceeds of the Solid Waste Assessments. Any costs not funded by the Solid Waste Assessments or costs related to Property on which Solid Waste Assessments are not collected, for example due to the difficulties of collection from property owned by governmental entities or pursuant to a policy decision of the Town Council, shall be paid by the Town from lawfully available funds of the Town and shall not be paid out of Solid Waste Assessment revenues.

It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the Town will be benefitted by the Town's provision of solid waste services, facilities, and programs in an amount not less than the Solid Waste Assessment imposed against such parcel, computed in the manner set forth in this Initial Assessment Resolution.

Section 4. Imposition and Computation of Solid Waste Assessments.

Solid Waste Assessments shall be imposed against all Assessed Parcels according to the applicable property size rate classification. Solid Waste Assessments shall be computed and imposed in the manner set forth in this Preliminary Assessment Resolution, more specifically as presented in the Report by New Community Strategies amended and revised per Council action dated September 12, 2011.

Section 5. Legislative Determination of Special Benefit and Fair Apportionment. It is hereby ascertained, determined, and declared that the solid waste services to be funded by the Solid Waste Assessments provide special benefit to the Assessed Property based upon the following legislative determinations.

Upon the adoption of this Initial Assessment Resolution determining the Solid Waste Assessed Costs and identifying the Assessed Property to be included in the Assessment Roll, the legislative determinations of special benefit ascertained and declared in Sections 16-109 and 16-110 of the Code are hereby ratified and confirmed.

It is fair and reasonable to use the DOR Codes, Use Codes, number of Dwelling Units, and parcel size data maintained by the Property Appraiser in the apportionment methodology because: (1) the Tax Roll database employing the use of such property use codes is the most comprehensive, accurate, and reliable information readily available to determine the property use and acreage for property within the Town, and (2) the Tax Roll database employing the use of such property use codes is maintained by the Property Appraiser and is thus consistent with parcel designations on the Tax Roll. This compatibility permits the development of an Assessment Roll in conformity with the requirements of the Uniform Method of Collection.

Where data available from the Property Appraiser was insufficient, the Town has verified and/or supplemented such data as needed for use in the determination of the Cost Apportionment and the Parcel Apportionment. It is fair and reasonable to use such additional data provided by the Town because such data provides a more accurate and complete record of property use and the structures on property.

Apportioning Solid Waste Assessed Costs among residential property based upon studies of demand for service and waste generation quantities by type of waste stream and by service areas within the Town is fair and reasonable and proportional to the special benefit received.

The value of Residential Property does not determine the scope of the required solid waste collection and disposal services. The Town has determined that the special benefit to Assessed Parcels and the demand for solid waste services varies by the type of waste stream. Household Waste has been determined to relate primarily to the number of Dwelling Units on Assessed Parcels. Bulk Waste has been determined to relate primarily to the size of the parcel. Based upon studies conducted for the Town, the relative potential demand for solid waste services to residential properties is driven by the number of dwelling units for Household Waste and the size of the assessed parcel for Bulk Waste.

A Solid Waste Services Assessment Report (SWSAR) by New Community Strategies amended and revised per Council action dated September 12, 2011, analyzed waste generation by type of waste and incorporates findings of several studies of waste generation in the Town. Based on such studies, it has been determined that nearly half of the Town's waste stream results from Bulk Waste, which primarily consists of vegetative debris. Given the high rate of Bulk Waste generation in the Town, it is fair and reasonable to separately analyze the costs of and demand for solid waste services by the following types of waste: Household Waste and Bulk Waste.

Household Waste is generated relatively consistently on a per dwelling unit basis. Therefore, it is fair and reasonable to assess for costs related to Household Waste based on the number of Dwelling Units on each Assessed Parcel. Such per dwelling unit rates for Household Waste are fair and reasonable and do not exceed the special benefit to Assessed Parcels.

Bulk Waste, including but not limited to vegetative debris and solely residential livestock waste, generation rates are generally proportionate to the size of the parcel. Waste generation studies have concluded that areas of the town with larger lots generate substantially greater tonnage of Bulk Waste per parcel than areas of the Town with smaller parcels.

It is fair and reasonable to create assessment rate classes for Bulk Waste based on lot square footage ranges identified through analysis of solid waste generation and collection studies performed for the Town. It is fair and reasonable to allocate Bulk Waste assessed costs to each rate class in a manner that increases the share of costs on the assessed parcel as the parcel size increases. Therefore, the proposed Bulk Waste services assessment rates presented in the SWSAR Report are fair and reasonable and do not exceed the special benefit to Assessed Parcels.

Section 6. Determination of Solid Waste Assessed Costs; Establishment of Initial Solid Waste Assessment Rates.

A. The Solid Waste Assessed Costs to be assessed and apportioned among benefitted parcels for Fiscal Year 2020-2021 commencing October 1, 2020, is the amount determined in the Solid Waste Assessment worksheet, attached as Exhibit "A" to this Resolution. The approval of the Estimated Solid Waste Assessment Rate Schedule by the adoption of this Preliminary Assessment Resolution determines the amount of the Solid Waste Assessed Costs. The remainder, if any, of such Fiscal Year budget for solid waste services, facilities, and programs shall be funded from available Town revenue other than Solid Waste Assessment proceeds.

B. The estimated Solid Waste Assessments specified in the Estimated Solid Waste Assessment Rate worksheet are hereby established to fund the specified Solid Waste Assessed Costs determined to be assessed in Fiscal Year 2020-2021 commencing on October 1, 2020.

C. The estimated Solid Waste Assessments established in this Preliminary Assessment Resolution for Fiscal Year 2020-2021 shall be the estimated assessment rates applied by the Town Administrator in the preparation of the preliminary Assessment Roll for the Fiscal Year commencing October 1, 2020, as provided in Section 7 of this Preliminary Assessment Resolution.

Section 7. Preliminary Assessment Roll. The Town Administrator is hereby directed to prepare, or cause to be prepared, a Preliminary Assessment Roll for the Fiscal Year commencing October 1, 2020, in the manner provided in the Code. The Assessment Roll shall include all Residential Assessed Parcels within the Assessment Rate Categories. The Town Administrator shall apportion the estimated Solid Waste Assessed Cost to be recovered through Solid Waste Assessments in the manner set forth in this Initial Assessment Resolution and the Report.

A. A copy of this Preliminary Assessment Resolution, documentation related to the estimated amount of the Solid Waste Assessed Cost to be recovered through the imposition of Solid Waste Assessments, and the Preliminary Assessment Roll shall be maintained on file in the Office of the Town Clerk and open to public inspection. The foregoing shall not be construed to require that the Preliminary Assessment Roll be

in printed form if the amount of the Solid Waste Assessment for each parcel of property can be determined by the use of a computer terminal available to Town staff.

B. It is hereby ascertained, determined, and declared that the method of determining the Solid Waste Assessments for residential solid waste services as set forth in this Preliminary Assessment Resolution and the SWSAR report is represented in Exhibit "A" and is a fair and reasonable method of apportioning the Solid Waste Assessed Cost among parcels of Assessed Property located within the Town.

Section 8. Recognized Disabled Veterans Exemption. Legally recognized Disabled Veterans, who live on homesteaded properties titled in their name within the Town, who have received a veteran's service-connected total and permanent disability ad valorem tax exemption, shall be partially exempt from the collection of the Solid Waste Assessments. The Town shall buy down this 50% exemption with non-assessment funds.

Section 9. Authorization of Public Hearing. There is hereby established a public hearing to be held at 6:00 p.m. on Monday, September 14, 2020, in the Council Chambers in Southwest Ranches Town Hall, 13400 Griffin Road, Southwest Ranches, Florida, at which time the Town Council will receive and consider any comments on the Solid Waste Assessments from the public and affected property owners and consider imposing Solid Waste Assessments and collecting such assessments on the same bill as ad valorem taxes.

Section 10. Notice by Publication. The Town Administrator shall publish a notice of the public hearing authorized by Section 8 hereof in the manner and time provided in Section 16-143 of the Code. The notice shall be published no later than Friday August 21, 2020.

Section 11. Notice by Mail. The Town Administrator shall also provide notice by first class mail to the Owner of each parcel of Assessed Property, as required by Section 16-144 of the Code. Such notices shall be mailed no later than Tuesday August 22, 2020. The Town Administrator may direct that such notices be combined with the TRIM notices prepared and mailed by the Property Appraiser.

Section 12. Severability. If any word, phrase, clause, sentence, or section of this resolution is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Resolution.

Section 13. Application of Assessment Proceeds. Proceeds derived by the Town from the Solid Waste Assessments shall be deposited into the Solid Waste Assessment Fund and used for the provision of solid waste services, facilities, and programs. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund Townwide solid waste services, facilities, and programs.

Section 14: Conflicts. All Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of the conflict.

Section 15: Severability. If any clause, section, or other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 16. This Resolution shall take effect immediately upon its adoption.

[Signatures on Following Page]

PASSED AND ADOPTED by the Town Council of the Town of

Southwest Ranches, Florida, this 30th day of July, 2020, on a motion by

_____ and seconded by _____.

McKay _____
Schroeder _____
Amundson _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____

Doug McKay, Mayor

ATTEST:

Russell Muniz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney
37244832.1

**Town of Southwest Ranches
Proposed FY 2020/2021
Solid Waste Assessment Worksheet**

EXHIBIT A

Sources:

WastePro of Florida, Inc Contract
Broward County Property Appraiser
Munilytics Consultant Study

Description	Solid Waste & Recycling	Bulk Waste	Total Proposed FY 20/21
% Allocation Direct Expenses Only	46.74%	53.26%	

Direct Expenses:

Solid Waste Collection	\$ 415,939	\$ -	\$ 415,939
Recycling Collection	\$ 107,565	\$ -	\$ 107,565
Bulk Waste Collection	\$ -	\$ 382,842	\$ 382,842
Solid Waste Disposal	\$ 147,960	\$ -	\$ 147,960
Bulk Waste Disposal	\$ -	\$ 382,362	\$ 382,362
Sub-Total Cost of Service	\$ 671,464	\$ 765,204	\$ 1,436,668

Other Expenses

Statutory Discount	\$ 90,537
Collections Cost and Other	\$ 28,962
Townwide Personnel/Contractual Costs	\$ 263,917
Total Solid Waste Assessment Expenses	\$ 1,820,084

Based On Consultant Study

Assessment	Lot Sq Ft. Range	Number of Units in Range	Solid Waste Cost Per Unit	Bulk Waste Cost Per Unit	Total Proposed Rates FY 20/21	Total Assessed Rates FY 19/20	Difference: Increase (Decrease)
A	- 41,200	406	\$ 324.33	\$ 268.68	\$ 593.01	\$ 593.01	\$ -
B	41,201 46,999	429	\$ 324.33	\$ 314.55	\$ 638.88	\$ 638.88	\$ -
C	47,000 62,999	418	\$ 324.33	\$ 379.00	\$ 703.33	\$ 703.33	\$ -
D	63,000 95,999	457	\$ 324.33	\$ 406.52	\$ 730.85	\$ 730.85	\$ -
E	96,000 106,999	473	\$ 324.33	\$ 448.84	\$ 773.17	\$ 773.17	\$ -
F	107,000 >107,000	446	\$ 324.33	\$ 555.41	\$ 879.74	\$ 879.74	\$ -



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

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

Town Council
Doug McKay, Mayor
Denise Schroeder, Vice Mayor
Delsa Amundson, Council Member
Bob Hartmann, Council Member
Gary Jablonski, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Martin D. Sherwood, Town Financial Administrator
DATE: 7/30/2020
SUBJECT: FY 20-21 Proposed Initial Fire Assessment Rates

Recommendation

It is recommended that the Town Council ratify the attached Resolution to set the initial Fire special assessment maximums in accordance with Exhibit A and which includes ratification for an annual special 100% tax exemption for 100% service-connected disabled veterans.

Unanimous Vote of the Town Council Required?

No

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management
- C. Reliable Public Safety
- E. Cultivate a Vibrant Community

Background

Issue

This resolution is necessary in order to comply with Florida Statutes, to facilitate the preparation of the Truth in Millage (TRIM) Notices, and to authorize the Town Administrator and Town Financial Administrator to prepare, or cause to be prepared, a preliminary Assessment Roll for the 2020-2021 Fiscal Year. The resolution is the first step in the special assessment process. A final assessment resolution and public hearing on this matter will be considered at the September 14, 2020 Council meeting.

Since the rates are a not-to-exceed rate, they can be lowered without additional transaction costs. Raising the rate later would require the expense of an additional first class mailing to all Southwest Ranches property owners. Without adoption of this (or similar) resolution no funding would be available to cover the expenses of fire protective services.

Background

Chapter 197.3632, Florida Statutes, and Town Ordinance No. 2001-09, requires the annual adoption of an Initial Fire Protection Assessment Resolution. Proceeds derived by the Town from the Fire Protection Assessment will be utilized for the provision of Fire Protective contractual services, planning, facilities, machinery, programs, and volunteer fire activities. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used exclusively to fund the qualified expenditures above stated.

The approval of the Preliminary Fire Services Assessment Rate Schedule (Exhibit A) by the adoption of the Initial Assessment Resolution determines the amount of the Fire Services Assessed Costs to be advertised. This resolution established the maximum rates that may be applied for next fiscal year. It also sets the date, place, and time for the public hearing for this assessment. This initial assessment rate is necessary in order start the special assessment process, by providing notice to affected property owners of the proposed assessment on their property and when the meeting will be held. It also describes the purpose and method of assessment and the properties that are benefited from the assessment. The initial assessment rates being proposed are based on a new consultant study for the fire protection assessment methodology. The assessment roll utilizes the Property Appraiser's data for their 2020 roll and applies the methodology used in the consultant's report. The costs apportioned to each parcel were based upon the Town's proposed costs of fire protection services for FY 2020-2021.

Proposed rates are greater from the current year's (FY 19/20) rates for the Residential, Commercial, and Institutional property categories while they are lower for the Acreage and Warehouse/Industrial property categories. The net dollar increase of \$791,981 within all property categories results primarily from a revised utilization allocation between fire protection and EMS (ambulance) services derived from a new methodology study. It shall be noted that higher contractual and volunteer fire costs for fire protection services amount to only \$190,601 of the aforementioned increase, over the prior year, which continues to provide an annual provision for a new Town and a new Volunteer Fire vehicle while also providing the greatest financial liability and maintaining operational status quo residents expect and desire from both the Davie Fire Rescue and Volunteer Fire Rescue components. Also, the rates as proposed is also reflective of the Town's desire and practice to recover 100% of fire protection costs from the assessment.

The final Fire assessment hearing is scheduled for:

Monday, September 14, 2020 @ 6:00 PM

Southwest Ranches Town Hall, 13400 Griffin Road, Southwest Ranches, FL 33330

Fiscal Impact/Analysis

Total proposed Fire Services Assessment expenses are estimated at \$2,966,206 per Exhibit A. As previously mentioned, although all the individual property category rate classifications are impacted differently with either an increase or decrease, the proposed initial rate(s) reflect a net increase in total assessment expenses of \$791,981 as compared to the prior year.

Specifically, as to the reason for the greater than anticipated increase for the residential property category, as compared to the July 9th, 2020 Fire Protection Methodology Study (\$105.63 vs \$52.88), resides ultimately with the lower number of dwelling units available to allocate costs (#2,644 vs #2,886). The original Broward County Property Appraiser (BCPA) roll and override file that was used in the initial drafts contained an acreage parcel that was adjusted to a residential parcel with one (1) dwelling unit. Munilytics (the fire methodology study consultant), used the June 1st roll and override file, together with the adjustments for barns and stables, in preparing the report presented to the Council. Unfortunately, the June 1st roll had properly reclassified the one parcel to Residential from Acreage but left the acreage count at #243 while removing the parcel from the override file. The error was not caught by Munilytics at the time of the July 9th methodology report issuance. When the July 1st roll and override files were released, the BCPA had corrected the unit count back down to one (1), which was discovered when Munilytics updated the attached report for the July roll. The effect reduced the number of total residential units which, in turn, increased the residential dwelling unit rate.

Finally, the Town of Southwest Ranches Resolution No. 2012-034 initially provided for the complete exemption of 100% service-connected qualified disabled veterans from Fire Services Assessments pursuant to a unanimous vote on June 23, 2011. For FY 2020-2021, eleven veterans (no change from the prior year) have qualified for and claimed this exemption. The total dollar impact to the Towns General Fund from eleven (11) Property Appraiser 100% service-connected qualified disabled veterans is \$6,921 (\$629.14 x 11 residents). Additionally, it shall also be noted that the general fund millage impact of imposed FS 170.01 (4) pertaining to a full Fire Assessment exemption for vacant agricultural property is \$94,367 (#1,113 acres x \$84.76).

Without adoption, funding for Townwide fire protection services would require an increase in the property tax (millage) rate levied by the Town.

Staff Contact:

Martin D. Sherwood, Town Financial Administrator
Richard Strum, Controller

ATTACHMENTS:

Description	Upload Date	Type
37244832-v1-RESO_2020-____Preliminary_Fire_Assess-072212020-rev-FINAL - TA Approved	7/24/2020	Resolution
SWR Fire Methodology Report-Exhibit A-07152020	7/23/2020	Exhibit
FY 21 Fire assess wsheet-Exhibit A-continued-07302020	7/23/2020	Exhibit

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RESOLUTION NO. 2020-XXX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA PROVIDING FINDINGS; AMENDING IN PART RESOLUTION 2011-084 BY PROVIDING A NEW SECTION 3, PURPOSE AND DEFINITIONS; INCORPORATING THE 2020 FIRE PROTECTION ASSESSMENT REPORT; APPROVING PRELIMINARY FIRE SERVICES ASSESSMENT RATES RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA FOR FISCAL YEAR 2020-21; PROVIDING FOR THE IMPOSITION AND COMPUTATION OF FIRE PROTECTION ASSESSMENTS; PROVIDING FOR AN EXEMPTION FOR VETERAN'S WITH SERVICE-CONNECTED TOTAL AND PERMANENT DISABILITY; PROVIDING FOR LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT; ESTABLISHING THE PRELIMINARY RATES OF ASSESSMENT; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF MAILED AND PUBLISHED NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Southwest Ranches, Florida, has enacted Ordinance No. 2001-09 (the "Ordinance"), which authorizes the imposition of Fire Service Assessments for fire services, facilities, and programs against Assessed Property located within the Town; and

WHEREAS, pursuant to Ordinance 2001-09, the imposition of a Fire Services Assessment for fire services, facilities, and programs for Fiscal Year 2020-21 requires certain processes such as the preparation of the Preliminary Fire Services Assessment Roll; and

WHEREAS, annually, a Preliminary Fire Services Assessment Resolution describing the method of assessing fire costs against assessed property located within the Town, directing the preparation of an assessment roll, authorizing a public hearing and directing the provision of notice thereof is required by the Ordinance for imposition of Fire Assessments; and

WHEREAS, the Town Council imposed a Fire Assessment for the previous fiscal year (FY 2019-20), and the imposition of a Fire Assessment for fire services, facilities, and programs each fiscal year is an equitable and efficient method of allocating and apportioning Fire Assessed Costs among parcels of Assessed Property; and

WHEREAS, the 2020 Report, attached as Exhibit "A", identifies and describes the Fire Protection Assessed Costs to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and the Parcel Apportionment for Fiscal Year 2020-21, and determines the Preliminary Fire Protection Assessment Rate Schedule

WHEREAS, the Town Council, during the Fiscal Year 2013, made an initial policy decision and adopted Resolution 2012-034, regarding legally recognized disabled veterans who live on homesteaded properties titled in their name in the Town, and who have received a Veteran's Service-Connected Total and Permanent Disability ad valorem tax exemption providing them with a 100% exemption for Fire Service Assessments pursuant to a June 23, 2011 unanimous vote and wish to provide for such exemption for the Fiscal Year 2021; and

WHEREAS, on July 9, 2020, the Town Council adopted Resolution 2020-045 accepting, concurring with, and approving the methodology in the Town of Southwest Ranches Fire Protection Special Assessment Methodology Report dated July 9, 2020 prepared by Munilytics; and

WHEREAS, the Town Council of the Town of Southwest Ranches, Florida, desires to reimpose a fire service assessment program within the Town using the tax bill collection method for the Fiscal Year beginning on October 1, 2020, and deems it to be in the best interests of the citizens and residents of the Town of Southwest Ranches to adopt this Preliminary Fire Assessment Rate Resolution so that the Town may initiate the process to impose Fire Assessments for Fiscal Year 2020-21; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. Authority. This resolution is adopted pursuant to the provisions of Ordinance No. 2001-9, the Initial Assessment Resolution (Resolution 2011-084), the Final Assessment Resolution (Resolution 2011-098), and all subsequently adopted Preliminary and Annual Assessment Resolutions, and sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law. This Resolution confirms, modifies, supersedes and amends, as noted herein, Resolution 2011-084 and where any conflicts occur between this Resolution and Resolution 2011-084 or other previous Fire Assessment Resolutions, the terms of this Resolution shall prevail.

Section 3. Purpose and Definitions. Section 3 of Resolution 2011-084 is hereby amended and replaced in its entirety with this new Section 3. This Resolution constitutes the Preliminary Fire Services Assessment Resolution as defined in the Ordinance (codified as Sections 12-19 through 12-85 in the Town of Southwest Ranches Code of Ordinances), which imposes Fire Assessments for the Fiscal Year beginning October 1, 2020. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa. As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Acreage ("A")" means the Fire Class Code that includes undeveloped or vacant property which is assessed for fire protection services on a per acre basis. Acreage may

be used for agricultural purposes and may also be vacant or undeveloped commercial, residential, warehouse/industrial and/or institutional land.

"Assessed Parcel" means those parcels which are specially benefitted by the availability of and provision of fire protection services, facilities and programs and which are subject to the Fire Services Assessment.

"Building Area" means the actual area of a Building expressed in square feet as reflected on the Tax Roll or, in the event such information is not reflected or determined not to be accurately reflected on the Tax Roll, that area as determined by the Town. Building Area is used to determine the square feet of Non-residential Buildings for calculation of

"Commercial" or "C" means the Fire Class Code that includes property used for commercial activity, including but not limited to office and retail uses. Commercial parcels shall be assessed based on the total square footage (Building Area) of all commercial structures or buildings. Regardless of the Fire Code assigned to a parcel, the Town shall have the authority to impose the Commercial Rate on any building or buildings that are used for commercial purposes.

"Dwelling Unit" means (1) a building, or portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only, or (2) the use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes or the like for residential purposes. A mobile home is an individual dwelling unit. For purposes of this Resolution and imposition of the Fire Services Assessment, a Dwelling Unit, as defined herein, may be located on and assessed on parcels other than residential property under the Town's zoning and development regulations.

"Fire Class Code" means the code, assigned and maintained by the Broward County Property Appraiser, to each parcel in the tax roll data based on the type and use of improvements on the parcel.

"Fire Incident Codes" means either the type of property or fire situation recorded in the Incident Reports as referred to and used in the Report.

"Government" or "G" means the Fire Class Code that includes any developed property owned by a federal, state or local government. Government parcels are generally exempt from the Fire Assessments.

"Institutional" or "I" means the Fire Class Code that includes property used for institutional purposes and activity, including but not limited to nursing homes, houses of worship, non-public schools, substance abuse centers, healthcare facilities located in commercial/office buildings, funeral homes and mausoleums, and various other uses. Institutional parcels shall be assessed based on the total square footage (Building Area) of all institutional structures or buildings. Regardless of the Fire Code assigned to a parcel,

the Town shall have the authority to impose the Institutional Rate on any building or buildings that are used for institutional purposes.

"Non-residential Building" means a structure designated by the Property Appraiser as used for commercial, industrial, warehouse or institutional purposes. The Town shall have the authority to impose the appropriate Fire Assessment Rate on any Non-residential Building regardless of the Fire Class Code assigned to the parcel.

"Report", "2020 Report" or "Town of Southwest Ranches Fire Protection Assessment Methodology Report" means the technical report detailing and documenting the data and methodology used to determine the Fire Protection Assessment Rates for Fiscal Year 2020-21 prepared by Munilytics, dated July 15, 2020. The 2020 Report is attached hereto and incorporated within this Resolution as Exhibit A. With adoption of this Preliminary Resolution, the Town Council approves this July 15, 2020 Report.

"Residential/Other" or "R" means the Fire Class Code that includes property used for residential purposes and certain other property with structures not classified as commercial, warehouse/industrial, institutional or residential. Residential includes single family/duplex, multifamily, and mobile homes not located in Recreational Vehicle Parks, as well as single family developed property with multiple Dwelling Units, such as a detached guest house or granny flat. "Residential/Other" or "R" Property, for purposes of this Resolution and imposition of the Fire Services Assessment, shall include all parcels with one or more Dwelling Units. "R" Property shall be assessed on a per Dwelling Unit basis. Multiple Dwelling Units on a single Assessed Parcel shall each be assessed the per Dwelling Unit rate. "Residential/Other" or "R" Property, for purposes of this Resolution and imposition of the Fire Services Assessment, shall also include property with one or more structures that are not Non-residential Buildings, such as barns and/or accessory structures, and that are located on property without any existing Dwelling Unit(s). Such parcels shall be assessed at the Residential Property Rate as one (1) dwelling unit. Regardless of the Fire Class Code assigned to an Assessed Parcel, the Town shall have the authority to impose the Residential Property Rate on any building or buildings that are used as Dwelling Units or that are not Non-residential Buildings located on a parcel without existing Dwelling Units.

"Special" or "S" means the Fire Class Code that includes property that has structures or buildings with more than one Fire Class Code, generally referred to as mixed use property. "S" includes parcels such as those with both a commercial structure and a warehouse or with both a commercial use and a dwelling unit. The Fire Assessment imposed on an "S" parcel is the sum of the assessment calculated separately for each structure/building on the parcel based on its use and number of assessable units.

"Warehouse/Industrial" or "W" means the Fire Class Code that includes property used for warehouse or industrial purposes, including but not limited to manufacturing, processing plants/sites, commercial and non-commercial storage units, and warehouse sites. Warehouse/Industrial parcels shall be assessed based on the total square footage (Building Area) of all warehouse/industrial structures or buildings. Regardless of the Fire Class Code assigned to a parcel, the Town shall have the authority to impose the

Industrial/Warehouse Property Rate on any building or buildings that are used for industrial or warehouse purposes.

Section 4. Provision and funding of Fire Protection Services. Upon the imposition of a Fire Protection Assessment for fire protection services, facilities, or programs against Assessed Property located within the Town, the Town shall provide fire protection services to such Assessed Property. Proceeds of the Fire Protection Assessments shall be used to fund all or a portion of the costs of the provision of fire protection services to assessed properties within the Town. The remaining costs of providing fire protection services, facilities, and programs shall be funded by lawfully available Town revenues other than Fire Protection Assessment proceeds. Costs related to the provision of Emergency Medical Services (EMS) have not been included in the Fire Protection Assessed Costs and shall be paid for by the Town from other lawfully available funds and shall not be paid out of Fire Assessment revenues. It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the Town will be benefited by the Town's provision of fire protection services, facilities, and programs in an amount not less than the Fire Protection Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Assessment Resolution.

Section 5. Imposition and Computation of Fire Protection Assessments.

A. Fire Protection Assessments shall be imposed against all Assessed Parcels within the Assessment Property Categories. Fire Protection Assessments shall be computed in the manner set forth in this Preliminary Assessment Resolution, as more specifically set forth in the 2020 Report in Exhibit "A" to this Resolution. Where the use of a building or buildings on a parcel indicates a use different from the Fire Class Code assigned to the parcel, the Town has the authority to impose the appropriate rate based on the use of the building or buildings regardless of the Fire Class Code assigned to the parcel.

B. Where a residential parcel, Fire Class Code "R" or "Residential/Other", contains one or more Dwelling Units, each Dwelling Unit shall be assessed at the Residential Rate. Other structures, such as a non-commercial barn, free-standing garage/workshop and/or assessable agricultural building, that are not Non-residential Buildings and are located on a residential parcel containing one or more Dwelling Units are considered appurtenant to the dwelling unit(s) and are not separately assessed. Where structures, such as a non-commercial barn, free-standing garage/workshop and/or assessable agricultural building, are not Non-residential Buildings and are located on a parcel with no Dwelling Units, the structure(s) are classified in Fire Class Code "R" ("Residential/Other") and shall be assessed collectively as one (1) Dwelling Unit.

C. Non-residential Buildings on parcels in Fire Class Codes of Commercial "C", Institutional "I", and Warehouse/Industrial "W" shall be assessed based on the Building Area of each building multiplied by the appropriate assessment rate based on the use of the building. The total assessment on the parcel shall be the sum all the assessment calculated for each building/structure.

D. Where multiple buildings on a parcel have different uses, generally a parcel in Fire Class Code Special or "S", the Town shall impose the appropriate rate based on the use of each individual building. The Fire Protection Assessment imposed on such an "S" parcel shall be the total of the Fire Protection Assessments calculated for each Non-residential Building on the parcel at the appropriate rate for each building plus the total of all Dwelling Units on the parcel at the residential per Dwelling Unit rate.

E. Parcels with a Fire Class Code of Acreage "A" shall be assessed per acre at the Acreage assessment rate. Agricultural property exempted from ad valorem taxes by the Broward County Property Appraiser shall be exempt from the Fire Assessment, unless the terms of subsection F below that allow assessment of such property apply.

F. Pursuant to FS 170.01(4), notwithstanding any other provision of law, a municipality may not levy special assessments for the provision of fire protection services on lands classified as agricultural lands under FS. 193.461 as may be amended from time to time, unless the land contains a residential dwelling or nonresidential farm building, with the exception of an agricultural pole barn, provided the nonresidential farm building exceeds a just value of \$10,000. Such special assessments must be based solely on the special benefit accruing to that portion of the land consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings. As used in this subsection, the term "agricultural pole barn" means a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

Section 6. Legislative Determination of Special Benefit and Fair Apportionment. The legislative determinations of special benefit and fair apportionment embodied in the Ordinance (codified as Sections 12-19 through 12-85 in the Town of Southwest Ranches Code of Ordinances), the Initial Assessment Resolution (Resolution 2011-084), the Final Resolution (Resolution 2011-098), and in all subsequent Preliminary and Annual Resolutions are affirmed, amended, modified, and incorporated herein by reference. In addition, it is hereby ascertained, determined, and declared that the fire protection services to be funded by the Fire Protection Assessments provide special benefit to the Assessed Property based upon the findings and data contained in the 2020 Report and the following legislative determinations:

A. Upon adoption of this Preliminary Assessment Resolution determining the Fire Protection Assessed Costs and identifying the Assessed Parcels to be included in the Preliminary Assessment Roll, the legislative determinations of special benefit ascertained and declared in Sections 12-20 and 12-21 of the Code are hereby ratified and confirmed.

B. In accordance with the Town of North Lauderdale v. SMM Properties, Inc., 825 So.2d 343 (Fla. 2002), no costs related to the provision of emergency medical services (EMS) are included in the Fire Assessed Costs used in determining the proposed Fire Protection Assessment Rates in this Resolution.

C. It is fair and reasonable to use the Broward County Property Appraiser's Fire Class Codes, Fire Basis element as described in the 2020 Report, and other property

use and parcel information maintained by the Property Appraiser in the assessment calculation methodology and the preliminary assessment roll because the data maintained by the Property Appraiser is the most comprehensive, accurate, and reliable information available to determine property use, structures, number of Dwelling Units, and Building Area for improved property and acreage for vacant/undeveloped property. The database maintained by the Property Appraiser is used in development of the Tax Roll and is thus consistent and compatible with use of the Tax Roll for imposition and collection of the Fire Assessment under the Uniform Method of Collection.

D. Apportioning Fire Assessed Costs among classifications of property using historical demand for fire protection services is fair and reasonable and proportional to the special benefit received.

E. Fire Incident Reports are the most reliable data available to determine the potential demand for fire protection service from property use and to determine the benefit to property use resulting from the availability of fire protection services to protect and serve Assessed Parcels.

F. The level of services required to meet anticipated demand for fire protection services and the corresponding annual fire protection budget required to fund fire protection services to non-specific property uses would be required notwithstanding the occurrence of any incidents at such non-specific property uses. Therefore, it is fair and reasonable to omit those Incident Reports related to non-specific property from the Fire Assessed Costs allocation.

G. The potential demand for fire protection services to Residential property relates primarily to the presence of Dwelling Units on the parcel and the anticipated occupants of the structures, particularly Dwelling Units. To minimize administrative burdens and recognizing the relatively uniform initial fire protection response to Dwelling Units, the number of Dwelling Units on a parcel is a reasonable method of relating fire protection costs to the special benefit to such Dwelling Units and the property. Where parcels with one or more Dwelling Units also contain one or more structures that are not Non-residential Buildings or Dwelling Units, it is fair and reasonable to assess only the Dwelling Units as the primary driver of demand for fire protection services. Where parcels contain one or more structures that are not Non-residential Buildings or Dwelling Units, it is fair and reasonable to attribute demand for fire protection services equivalent to that of one Dwelling Unit to the Assessed Parcel. The demand for fire protection services by Non-residential Buildings is primarily determined by the size of the structure or structures, and the Building Area of Non-residential Buildings is a reasonable method of relating fire protection costs to the special benefits to such buildings and the property they occupy. There is a logical relationship between the presence of dwelling units on a parcel, the presence and size of Non-residential Buildings and the Fire Assessed Costs of providing the staff, equipment and fire protection services, the special benefit to Assessed Parcels from the provision of fire protection services, and the proposed Fire Protection Assessment calculated in the 2020 Report.

H. Allocating Assessed Costs per acre to parcels in Fire Class Code Acreage "A", vacant/undeveloped, is fair and reasonable based on historical call data, uses data maintained by the Broward County Property Appraiser, and minimizes administrative burdens while recognizing the special benefit from the suppression and containment of fires occurring on such parcels.

Section 7. Determination of Fire Protection Assessment costs;
Establishment of Preliminary Fire Protection Assessment Rates.

A. The Fire Protection Assessed Costs to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and the Parcel Apportionment for Fiscal Year 2020-21, is the amount determined in the 2020 Report. The approval of the Preliminary Fire Protection Assessment Rate Schedules by the adoption of this Preliminary Assessment Resolution determines the amount of the Fire Protection Assessed Costs. The remainder, if any, of such Fiscal Year budget for fire protection services, facilities, and programs shall be funded from available Town revenue other than Fire Protection Assessment proceeds.

B. The estimated Fire Protection Assessments specified in the Preliminary Fire Protection Assessment Rate Schedules as described in the 2020 Report are hereby established to fund, in whole or in part, the specified Fire Protection Assessed Costs determined to be assessed for Fiscal Year 2020-21 commencing on October 1, 2020.

Fiscal Year 2020-21 Preliminary Fire Protection Assessment Rates

Fire Class Code	Assessment Unit	Preliminary Not-to-Exceed Assessment Rate
"C" Commercial	Per SF	\$ 1.1266
"I" Institutional	Per SF	\$ 1.2106
"A" Acreage	Per Acre	\$ 84.76
"R" Residential/Other	Per DU/Unit	\$ 629.14
"W" Warehouse/Industrial	Per SF	\$ 0.5417

C. The Preliminary Fire Protection Assessments established in this Preliminary Assessment Resolution for Fiscal Year 2020-21 shall be the proposed assessment rates applied by the Town Administrator in the preparation of the Preliminary Assessment Roll for the Fiscal Year commencing October 1, 2020, as provided in Section 8 of this Preliminary Assessment Resolution. approved by adoption of an Annual Resolution shall constitute a lien upon the property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

Section 8. Preliminary Assessment Roll.

A. The Town Administrator is hereby directed to prepare, or cause to be prepared, a preliminary Assessment Roll for the Fiscal Year commencing October 1, 2020-21, in the manner provided in the Code and this Preliminary Resolution. The Assessment Roll shall include all Assessed Parcels within the Fire Class Codes and rate classes. The Town Administrator shall apportion the estimated Fire Protection Assessed Cost to be recovered through Fire Protection Assessments in the manner set forth in this Preliminary Assessment Resolution and the 2020 Report.

B. A copy of this Preliminary Assessment Resolution, documentation related to the estimated amount of the Fire Protection Assessed Cost to be recovered through the imposition of Fire Protection Assessments, and the Preliminary Assessment Roll shall be maintained on file in the Office of the Town Clerk and open to public inspection. The foregoing shall not be construed to require that the preliminary Assessment Roll be in printed form if the amount of the Fire Protection Assessment for each parcel of property can be determined by the use of a computer terminal available to Town staff.

C. It is hereby ascertained, determined, and declared that the method of determining the Fire Protection Assessments for fire protection services as set forth in this Preliminary Assessment Resolution and the Report attached as Exhibit "A" is a fair and reasonable method of apportioning the Fire Protection Assessed Cost among parcels of Assessed Property located within the Town.

Section 9. Recognized Disabled Veterans Exemption. Legally recognized Disabled Veterans, who live on homesteaded properties titled in their name within the Town, who have received a veteran's service-connected total and permanent disability ad valorem tax exemption, shall be exempt from the collection of the Fire Assessment. The Town shall buy down this 100% exemption with lawfully available, non-assessment funds.

Section 10. Authorization of Public Hearing. There is hereby established a public hearing to be held at 6:00 p.m. on Monday, September 14, 2020 in the Council Chambers in Southwest Ranches Town Hall, 13400 Griffin Road, Southwest Ranches, Florida, or through the use of communications media technology allowing remote public participation with no public in-person attendance as determined necessary by the Town Council, at which time the Town Council will receive and consider any comments on the Fire Protection Assessments from the public and affected property owners and consider adopting the Annual Resolution imposing Fire Protection Assessments and collecting such assessments on the same bill as ad valorem taxes. Adoption of the Annual Resolution after the public hearing and approval of the Final Roll shall be the final adjudication of the issues presented (including, but not limited to, the determination of benefit and fair apportionment, the method of apportionment and levy, the Fire Protection Assessment Rates, the Final Roll and the levy, collection and lien of the Fire Protection Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the adoption of the Annual Resolution.

Section 11. Notice by Publication. The Town Administrator shall publish a notice of the public hearing authorized by Section 10 hereof in the manner and time provided in Section 12-53 of the Code. The notice shall be published no later than Tuesday, August 25, 2020.

Section 12. Notice by Mail. The Town Administrator shall also provide notice by first class mail to the owner of each Assessed Parcel, as required by Section 12-54 of the Code. Such notices shall be mailed no later than Tuesday, August 25, 2020. The Town Administrator may direct that such notice be combined with the TRIM notices prepared and mailed by the Broward County Property Appraiser.

Section 13. Conflict. All resolutions or parts of resolutions in conflict herewith are hereby superseded to the extent of such conflict.

Section 14. Severability. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such

unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 15. Application of Assessment Proceeds. Proceeds derived by the Town from the Fire Protection Assessments shall be deposited into the Fire Protection Assessment Fund and used for the provision of fire protection services, facilities, and programs. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire protection services, facilities, and programs.

Section 16. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, Florida, this 30th day of July, 2020 on a motion by _____ and seconded by _____.

McKay _____
Schroeder _____
Amundson _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Doug McKay, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney

37244832.1

37244832.1

EXHIBIT A

Town of Southwest Ranches Fire Protection Assessment Methodology Report

Prepared by Munilytics, dated July 15, 2020

(Referred to in Preliminary Assessment Resolution as Report or 2020 Report)

Town of Southwest Ranches, Florida Fire Protection Assessment Methodology Report

**Prepared for the
Town of Southwest Ranches**

July 15, 2020



Introduction

The Fire Protection Special Assessment discussed and developed in this report is intended to provide funding for the provision of fire protection services in the Town of Southwest Ranches (the “Town”). The Town provides fire rescue services (along with police services) through a contractual arrangement with the Town of Davie (“Davie”). The Town also supplements this arrangement with a contractual relationship with the Southwest Ranches Volunteer Fire Rescue, Inc., (“Volunteers”). The Town fire rescue services include 2 Class A Pumpers and 2 Advance Life Support EMS transport-capable rescue vehicles. The Volunteer Fire Services component supplements both equipment and personnel. The Volunteer equipment provided are an attack truck and a fire engine pumper. Historically, the area that is now incorporated was serviced by Broward County and a volunteer fire department. Once incorporated in 2000, the Town gradually expanded services through contracts with other service providers. Of late, the Town hired Davie to provide this service. Davie currently operates 7 fire rescue stations, including Station 91, which is located within the Town of Davie, and Station 112, which is located in the Town of Southwest Ranches. Both stations have a rescue unit and a pumper. Each rescue unit normally is staffed with either a lieutenant or captain and a firefighter/paramedic. Each pumper is staffed with either a lieutenant or captain, a driver engineer and a firefighter paramedic. Volunteer firefighters either supplement or add to staffing for each shift. The volunteer operation is predominantly fire-related and includes personnel who provide Basic Life Support (BLS). The Davie pumpers are staffed primarily for fire services, but can be dispatched for advanced life support (ALS) services when rescue units are unavailable. While the Davie pumpers do carry ALS equipment and supplies, they are not capable of patient transport. Likewise, paramedics normally assigned to Davie rescue units can also be used when necessary for fire duties. In both cases, however, the rescue units and fire apparatus exist primarily for either EMS calls (in the case of rescue units) or Fire calls (in the case of fire apparatus). The availability of cross-trained personnel is considered an additive value for both rescue services and fire services. The overwhelming amount of time spent by personnel performing fire services is while they are assigned to the fire apparatus. Likewise, personnel assigned to rescue units are almost always involved in rescue services. Like most departments, the origins of its operations are rooted in firefighting. The Department protects property with an

estimated market value of approximately \$2.3 billion, and about 76% of this value is residential while only 2.6% is commercial or industrial. Much of the Town's tax base is agricultural (14%). Through various interlocal agreements, the Town and Davie provide and receive mutual aid from other departments. The prior fire protection assessment methodology was done in 2011.

Legal and Procedural Requirements

Non-ad valorem special assessments for fire protection services, as repeatedly upheld by the Florida Supreme Court, "must meet two requirements: (1) the property assessed must derive a special benefit from the service provided; and (2) the assessment must be fairly and reasonably apportioned according to the benefits received." Morris v. Town of Cape Coral, 163 So.3d 1174 (Fla. 2015) (citing Sarasota County v. Sarasota Church of Christ, 667 So.2d 180, 183 (Fla. 1995)). The special benefits to assessed properties provided by fire protection services in the Town include, but are not limited to, protecting the value and integrity of improvements, structures, and land, protecting the life and safety of intended occupants in the use and enjoyment of property, lowering the cost of fire insurance by the presence of a comprehensive fire protection program within the Town and limiting potential financial liability for uninsured or underinsured property, containing and extinguishing the spread of fire incidents occurring on property, and reducing the potential of damage and danger to structures and occupants of property from the spread of fire. Fire services funded by special assessments may include traditional fire department services such as fire suppression as well as educational programs, inspections, and basic life support medical services historically provided by first responders such as fire fighters. The assessments may not include or fund costs related to ambulance transport or advanced life support services as the Florida Supreme Court determined that such services do not provide the required special benefit to property. See Town of North Lauderdale v. SMM Properties, Inc., 825 So. 2d 343 (Fla. 2002). Often, the broad term EMS is applied to both BLS and ALS responses. Because all front-line personnel are both firefighters and paramedics and are capable of providing ALS services, and, by extension, BLS services, we must segregate those costs which are exclusively attributed to ambulance transport or advance life support. The fire protection services to be provided to properties within the Town of Southwest Ranches are the type of costs and services that may be included in and funded from a fire protection assessment such as the one presented in this Report.

The Town adopted Ordinance Number 2001-9, codified as Sections 12-19 through 12-85 in the Code of Ordinances, Town of Southwest Ranches, Florida, to provide general authority, procedures, and standards for the imposition of annual fire assessments. The Florida Statutes contain a number of procedural requirements that define the process for adoption of the proposed Fire Services Special Assessments to be collected through the uniform tax collection process under Florida Statutes §197.3632 (“Uniform Assessment Collection Act”). The process established in the Ordinance incorporates the current statutory requirements, including, for example, the provision of notice of proposed assessments by mail and by publication and a public hearing prior to final adoption of the assessments. The Town currently collects the special assessments on the annual property tax bill under the Uniform Assessment Collection Act and it is expected to continue that practice. The adoption of the Final Assessment Roll and Annual Assessment Resolution shall place a lien equal to the amount of the total assessment, including any accrued interest, on each assessed property. If collected on the ad valorem tax bill under the Uniform Assessment Collection Act, such lien is equal in rank and dignity to the lien of all state, county, district, and municipal taxes and other non-ad valorem assessments.

Estimated Cost of Fire Services

Davie is expected to continue providing fire services to the Town. Davie has the equipment, fire flow, and personnel to service each property within the Town of Southwest Ranches. The Town has identified the costs for that service. The detail of those costs and the separation of costs related to fire and to EMs is presented in Appendix A of “*Fire Rescue Cost Apportionment, FY2020-21 Budget*”, but are summarized below in Table A:

(continued next page)

Table A

**Davie Southwest Ranches Division
Fire Rescue Budget Total Allocated For Assessment, FY2019-20**

	Total Budget	Fire	Rescue/EMS
Personnel Costs			
Total All Personnel	2,270,199	1,362,119	908,080
Operating Expenditures			
Contractual Services	176,033	105,620	70,413
Internal Services _IT	89,667	53,800	35,867
Community Programs	1,000	600	400
Communications Services	14,817	8,890	5,927
Repairs and Maintenance, Vehicles	56,691	34,015	22,676
Repairs and Maintenance, Radios	3,500	2,100	1,400
Repairs and Maintenance, Equipment	4,400	2,640	1,760
Repairs and Maintenance, Equip. Directed	12,900	7,740	5,160
Repairs and Maintenance, SW Ranches	2,500	1,500	1,000
Offices Supply Expenses	500	300	200
Uniforms	6,600	3,960	2,640
Protective Fire Equipment	10,800	6,480	4,320
First Aid Supplies and Equipment	33,500	-	33,500
Emergency Preparedness	500	300	200
Fuel	7,884	4,730	3,154
Training and Education	7,259	4,355	2,904
Total Operating Expenditures	428,551	237,031	191,520
Total Expenditures, Davie	2,698,750	1,599,150	1,099,600
Davie Administrative Contract Costs	725,568	435,341	290,227
TOTAL DAVIE CONTRACT	3,424,318	2,034,491	1,389,827
Equipment Setaside	50,000	50,000	-
Volunteer Fire Costs	331,000	331,000	-
Fire Wells	30,000	30,000	-
Assessment Expenses	41,100	41,100	-
Allocated Townwide Cost	196,793	196,793	-
Total SWR Fire Budget	4,073,211	2,683,384	1,389,827

Personnel and most other costs were allocated based upon the personnel assigned to either fire apparatus or rescue trucks. The organizational chart (Appendix B) of the Southwest Ranches department were used to determine the allocation of costs between fire and rescue services. This approach is rooted in the historical operation of the department. Were the rescue/ALS components to be removed from the costs of the Town, the Fire costs would remain: The Pumper would be staffed and with the same costs as have been allocated in this study. Some costs, such as medical equipment and supplies, which are clearly related to one service delivery or the other, were allocated as noted in Table F. These costs have been allocated in proportion to the staffing of the fire and rescue vehicles. The Town has also provided to us allocated identifiable Town costs indirectly related to the Fire Department budget. To estimate future funding requirements, the apportionment methodology has assumed that these costs would annually increase based upon a 4.5% overall inflation factor. Table B summarizes the expected annual costs for the next five fiscal years are presented below; however, the annual assessments should be based upon the Town's expected annual costs adopted during the budget process: The 2021 fiscal year in Table B reflects the budget for FY2020-2021 and is the amount of Assessable Fire Services Costs used in calculating the proposed not-to-exceed rates in Table E.

Table B
Forecasted Assessable Fire Services Costs

Fiscal Year	Forecasted Fire Costs
2021	\$ 2,966,206
2022	\$ 3,099,685
2023	\$ 3,239,171
2024	\$ 3,384,934
2025	\$ 3,537,256

The Town Council may elect to include all or some portion of the total budget and projected fire services costs in the Fire Protection Assessment.

The Fire protection assessed costs, as provided in Ordinance No. 2001-9, can include, but are not limited to all or any portion of the cost of the provision of fire protection services, facilities, or programs, referred to collectively in this Ordinance as Fire protection assessed costs, which provide

a special benefit to Assessed Property, and may include, but is not limited to, the following components: (1) the cost of physical construction, reconstruction or completion of any required facility or improvement; (2) the costs incurred in any required acquisition or purchase; (3) the cost of all labor, materials, machinery, and equipment; (4) the cost of fuel, parts, supplies, maintenance, repairs, and utilities; (5) the cost of computer services, data processing, and communications; (6) the cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever; (7) the cost of any indemnity or surety bonds and premiums for insurance; (8) the cost of salaries, volunteer pay, workers' compensation insurance, pension or other employment benefits; (9) the cost of uniforms, training, travel, and per diem; (10) the cost of construction plans and specifications, surveys and estimates of costs; (11) the cost of engineering, financial, legal, and other professional services; (12) the costs of compliance with any contracts or agreements entered into by the Town to provide Fire Protection Services; (13) all costs associated with the structure, implementation, collection, and enforcement of the Fire Protection Assessments, including any service charges of the Tax Collector and/or Property Appraiser and amounts necessary to offset discounts received for early payment of Fire Protection Assessments pursuant to the Uniform Assessment Collection Act or for early payment of Fire Protection Assessments; (14) all other costs and expenses necessary or incidental to the acquisition, provision, or construction of fire protection services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the Town Council by subsequent resolution; (15) a reasonable amount for anticipated delinquencies and uncollectible Fire Protection Assessments; and (16) reimbursement to the Town or any other person for any moneys advanced for any costs incurred by the Town or such person in connection with any of the foregoing components of Fire Protection Assessed Cost. Fire Protection Assessed Costs may, as determined by Council, include costs incurred directly or indirectly by the Town and costs incurred by another entity for the provision of fire protection services within the Town.

The Town may choose to include all or only some of these costs in the fire protection assessments so long as the total cost assessed does not exceed the actual cost of providing the service and the assessment imposed on a parcel does not exceed the special benefits to that parcel. The costs may be either direct or indirect cost so long as they related to the provision of fire protection services. Historically, the Town has chosen to recover all of its fire costs from this assessment.

Determination of Benefit & Delineation of Benefit Area

An important step in the special assessment process is the determination of special benefit and delineating the geographic area that will benefit from the planned improvements (the “Benefit Area”). The proposed Fire Protection Services will serve all properties within the entire Town of Southwest Ranches; thus, the boundary of the Benefit Area is the same as the boundary of the Town.

Certain properties in the Town will not be required to pay the Fire Protection Assessment – “exempt” property and “excluded” property. “Exempt” properties/structures include properties that receive special benefit from the fire services but are not charged any or the full cost of the Fire Protection Assessment. The exempt category includes all government parcels and agricultural property exempt from by statute. Under Florida Statutes §170.01(4), a municipality may not levy special assessments for the provision of fire protection services on lands classified as agricultural lands under Florida Statute §193.461, as may be amended from time to time, unless the land contains a residential dwelling or nonresidential farm building, with the exception of an agricultural pole barn, provided the nonresidential farm building exceeds a just value of \$10,000. Such special assessments must be based solely on the special benefit accruing to that portion of the land consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings. Agricultural pole barn means a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

The ability to bill and collect special assessments on governmental properties is very limited and generally requires consent of the other governmental entity. Exemptions reflect both legal difficulties with collection of assessments and policy decisions of the Town. It is fair and reasonable not to impose the Fire Protection Assessment on such properties. Costs related to exempt properties are included in the cost allocation and assessment calculations so that those costs are not shifted to the assessments imposed on non-exempt properties. The costs related to exempt properties, as measured by the fire protection costs allocated to those properties in the assessment methodology, must be funded by the Town with other lawfully available non-fire assessment revenue.

“Excluded” property includes those parcels where no special benefit is provided to the parcel, such as roads and submerged lands. This category also includes any other parcels that may receive some special benefit from fire services but, based on a policy determination of the Town Council,

do not receive sufficient special benefit to require imposition of the Fire Protection Assessment. Excluded properties are not part of the cost allocation process in the assessment calculations.

Cost Allocation Methodology

The cost allocation and assessment methodology presented in this Report reflects the unique circumstances of the Town of Southwest Ranches with largely residential development, and a smaller amount of non-residential development. The Town is comprised primarily of residential assessable structures and otherwise assessable barns, stables, and other farm structures that the Town has determined benefit from fire protection services to the same degree as a residential dwelling unit, or, if the structure is on the same parcel as a residential dwelling unit, is an appurtenant use that is considered to have benefited as part of the parcel. The Town also has significant institutional properties which include houses of worship, non-public schools (most of which are owned by religious organizations), cemeteries, and sundry other uses. The Town also has commercial and industrial/warehouse parcels. Each use has demonstrated its own demand for fire protection services, as evidenced by the number of incidents or calls for service by the fire rescue department.

Using the BCPA's tax roll data, benefited parcels were identified using the various categories of land use codes within that data set. Additionally, and to keep the proposed apportionment categories as close to the existing categories as possible, we relied upon the Fire Class codes currently maintained by the BCPA. The BCPA has previously identified and coded the improved properties by type and assigned each parcel an appropriate Fire Class Code. We reviewed consistency in this data and it was determined to be of high accuracy. This data has also undergone considerable review over time. The Fire Class codes thus used were as follows:

Residential/Other ("R") This includes all residential dwelling units, be they single family, multifamily, and mobile homes not located in mobile home parks. This includes separate or attached guest houses or "granny flats" or anything considered a residential dwelling unit. Structures that are not Non-residential Buildings, such as non-commercial barns or free-standing garages, located on a parcel with one or more Dwelling Units shall be considered as appurtenant to or

accessory to the Dwelling Unit(s) and shall not be assessed separately. This "R" coding also includes any structures, such as assessable agricultural buildings or non-commercial barns, that are not Non-residential Buildings and that are located on a parcel with no residential units. Such structure(s) on a such a parcel shall collectively be assessed as one Dwelling Unit.

Commercial ("C") This includes all property used for commercial activity, except where otherwise identified by its own Fire Class code, and includes office and retail uses. It also includes recreational vehicle lots converted to a commercial square footage as provided by statute. The Town currently does not have any parcels fitting this fire class code but could in the future.

Government ("X") This includes any developed property owned by a federal, state, or local government.

Special ("S", generally mixed use) This includes property that has more than one use or improvement that contains more than one Fire Class code. An example might be a parcel which contained both a warehouse and a commercial use. Another example might be a commercial use that also has a residential use on the same parcel. Each use will be assigned the cost for that use.

Acreage ("A") This includes undeveloped property typically in use for various purposes and which the Town assesses an acreage charge for fire services. Generally, the land is agricultural in nature. Some of this acreage, if given exemption by the property appraiser, is exempt from the assessment. It also includes other uses of property that are vacant, such as commercial and residential.

Institutional ("I") This includes nursing homes and substance abuse centers; healthcare facilities located in shopping centers and office buildings, funeral homes and mausoleums; houses of worship, non-public schools, and various other uses.

Warehouse/Industrial ("W") This includes manufacturing and processing sites, storage units (whether for commercial or non-commercial purposes), and warehousing sites.

It should also be noted that properties, or portions of properties, that can sometimes be exempt from this assessment remain variously classified with Fire Class Codes, but are not assessed if the Town has excluded them from the assessment. Again, these codes are used by BCPA to assist them in the administration of their rolls and we believe them to be highly accurate at the parcel level. If they are not assessed by the Town, the costs are not re-allocated to the remaining assessable units or categories.

Each BCPA parcel for the Town of Southwest Ranches also has, in addition to a Fire Class code, a Fire Basis element, which indicates the number of applicable billing units located on the parcel. For example, a single-family residential dwelling unit would have a Fire Basis element of “1”, indicating that the fixed residential assessment rate would be multiplied by “1” to arrive at an assessment amount and a duplex residential dwelling unit would have a Fire Basis element of “2”, indicating that the fixed residential assessment rate would be multiplied by “2” to arrive at an assessment amount, and so on. Commercial, Warehouse/Industrial, and Not-for-profits are based upon the square footage of the structure(s) on the property. The Fire Class code “S”, Special, generally includes mixed-use parcels that have mixed assessment rates applied to them. The sum of each category (e.g., “Residential”, “Commercial”, etc.) are added together within this coding. The Fire Basis element code in this Fire Class code in this category indicates the amount of the assessment for that Fire Class code. The BCPA handles mixed-use parcels as exceptions and manually calculates the assessment based upon the particular mix of uses that exist on those parcels. Table C notes the various Fire Class Categories and Codes, the number of parcels benefitting from the assessment for that category, the unit of measure for the assessment, and the total number of units in that category that are being assessed. A parcel can have more than one Fire Class Category:

(continued on next page)

Table C
BCPA Fire Class Counts

Fire Class Category	Category Code(s)	Sum of Total Number of Units	Unit of Measure	Number of Parcels
Commercial	C	336,209	Square Feet	29
Institutional	I	551,029	Square Feet	26
Acreage	A	1,914	Acres	622
Residential	R	2,644	Dwelling Units	2,456
Warehouse/Industrial	W	124,844	Square Feet	11
Government - Exempt	X	39,384	Square Feet	221
				<u>3,365</u>

Source: BCPA 2020 Southwest Ranches Fire July Detail File. Mixed-use parcels have been disaggregated; therefore the number of parcels listed here is greater than the total number of actual parcels

Also, the BCPA combines 2 or more fire classes on the same parcel into a Special/Combination (Mixed Use) Fire Class “S”, which is not listed in the table above. The individual fire classes contained in each parcel coded “S” have been disaggregated and placed in their respective fire class code.

Fire/rescue Incidents

Fire/rescue call for service data is maintained by Davie Fire Rescue. Davie provided call data related to the Town of Southwest Ranches for calendar years 2014-2019. The call data included all dispatched calls for all fire and rescue units at the Town’s stations. The call data contained fire service calls, calls for rescue services, and all other calls. Because rescue services do not benefit property, this call data was culled from further consideration, leaving only fire service call data in our analysis. We also excluded from the call data calls to property that was located outside of the Town limits (mutual aid calls).

The Town of Southwest Ranches and Davie use the National Fire Incident Reporting System (NFIRS) for the collection and categorization of all fire and rescue incident types. This

system provides not only the nature of the call responded to but also includes the type of property involved in the call. This data forms the basis for determining not only which properties benefit from fire services, but also to what degree those types of properties demand service. While evaluating the call data, we exercised discretion in reclassifying certain incidents that we determined, for the purposes of this study, needed to be reclassified to accurately tie it to the most appropriate property use. As an example, an automobile fire in a parking lot at a shopping center would be reclassified from “uncovered parking” to a commercial use as the parking lot is considered to be part of the parcel owned by the shopping center for purposes of this study.

During the five-year period studied, the Town of Southwest Ranches had a total of 3,662 recorded unique incidents of which 2,944 were non-fire related calls (generally rescue calls) and 718 were fire- or property-related incidents. Calls were categorized into the two main categories (Fire and Rescue) based upon the Incident Type Number used in the NFIRS coding system. Also placed into the “Rescue” category were calls that were clearly not fire related, or clearly did not benefit real property, or the address/location was indeterminate. As noted earlier, mutual aid calls were excluded because they did not benefit properties within the Town. A list of the types of calls recorded by Davie and how this study categorized them is detailed in Appendix C, *Fire Rescue Call Categorization*. Fire-related calls that could be attributed to property benefitted in the Town of Southwest Ranches accounted for about 19.6% of all incidents. This is slightly higher than other suburban municipalities in South Florida. Of those 718 calls, 60 were on streets and roads not associated with any particular land use and those 60 calls were discarded, leaving 658 fire calls to attribute to a fire class code.

The incident data also includes a “Property Use” code. These codes were then aggregated into larger Property Type codes that could be used to match more closely to the BCPA Category Codes used for fire assessments. The following Table D details the 658 fire or property incidents by the categories used to study fire service delivery and their corresponding BCPA Fire Class codes:

Table D
Fire Calls by Fire Class

Fire Call Categorization	Corresponding BCPA Fire Class Code	Number of Fire Calls	Percent of Total
Commercial	C	84	12.77%
Institutional	I	148	22.49%
Acreage	A	36	5.47%
Residential	R	369	56.08%
Warehouse/Industrial	W	15	2.28%
Government - Exempt	X	6	0.91%
Totals		658	100.00%

As previously noted above, there were a total of 718 coded fire service incidents and this table includes a sub-set of 658 of them. The difference of 60 incidents is attributed to responses to parcels or areas that could not be attributed to any specific Fire Class Code. The overwhelming majority of these calls occurred on streets and roads and for which no particular fire class code could be determined.

The recoded incident data to the BCPA Fire Class coding was then distributed to the expected FY2021 Assessable Fire service costs. We then assigned the maximum assessment by category and in total, based upon the fire class categories base and percentage of benefit by Class for the Town of Southwest Ranches and the maximum expected cost of fire service delivery for fiscal year 2021 and expected through fiscal year 2025, as noted previously in this report. The result produced the following two tables:

(continued on next page)

Table E

**Fiscal Year 2020-21 Proposed Assessable Fire Services Cost,
Fire Code Apportionment and Proposed FY2020-21 Assessment Rates**

Class	Total Number of Units	Unit Type	Percent Apportioned	Amount Allocated To Class	Proposed Not To Exceed Rate Per Unit
Commercial	336,209	Per Square Feet	12.77%	\$ 378,785	\$ 1.1266
Institutional	551,028	Per Square Feet	22.49%	667,100	\$ 1.2106
Acreage	1,914	Per Acre	5.47%	162,251	\$ 84.76
Residential/Other	2,644	Per Unit	56.08%	1,663,448	\$ 629.14
Warehouse/Industrial	124,843	Per Square Feet	2.28%	67,629	\$ 0.5417
Government - Exempt	39,384	Per Square Feet	0.91%	26,992	-
			<u>100.00%</u>	<u>\$ 2,966,206</u>	
				(94,367)	Less: Acreage Exemptions
				(6,539)	Less: Residential Exemptions
				(26,992)	Less: Government - Exempt
				<u>\$ 2,838,307</u>	Net Amount Realized

Table F

**Fiscal Year 2025 Anticipated Assessable Fire Services Cost
and Fire Code Apportionment**

Class	Total Number of Units	Unit Type	Percent Apportioned	Amount Generated By Class	Estimated Maximum Rate Per Unit
Commercial	336,209	Per Square Feet	12.77%	\$ 451,707.59	1.3435
Institutional	551,028	Per Square Feet	22.49%	795,529	1.4437
Acreage	1,914	Per Acre	5.47%	193,488	101.0808
Residential/Other	2,644	Per Unit	56.08%	1,983,693	750.26
Warehouse/Industrial	124,843	Per Square Feet	2.28%	80,649	0.6460
Government - Exempt	39,384	Per Square Feet	0.91%	32,189	-
			<u>100.00%</u>	<u>\$ 3,537,256</u>	
				(112,539)	Less: Acreage Exemptions
				(7,797)	Less: Residential Exemptions
				(32,189)	Less: Government - Exempt
				<u>\$ 3,384,730</u>	Net Amount Realized

(continued on next page)

It should also be noted that these tables are developed using the latest property information supplied by the Broward County Property Appraiser's Office, but this roll will change each year. ***The actual unit counts that exist from year-to-year will need to be used in developing the annual rates and the percent apportioned may vary if the Town chooses to analyze fire call data in subsequent years.***

Findings of Special Benefit and Fair Apportionment

The improved properties in the Town are found to benefit from a special assessment because fire services, facilities, and programs possess a logical relationship to the use and enjoyment of property by: (i) protecting the value and integrity of improvements, structures and land through the availability and provision of comprehensive fire services; (ii) protecting the life and safety of intended occupants in the use and enjoyment of property; (iii) lowering the cost of fire insurance by the presence of a professional and comprehensive fire program; and (iv) containing fire incidents occurring on land and within miscellaneous buildings with the potential to spread and endanger other property and property features. Further, the availability and provision of comprehensive fire services enhance and strengthen the relationship of such services to the use and enjoyment of the parcels of property, the market perception of the area and the property and rental values within the assessable area.

The Fire Assessed Costs included in the Fire Assessment do not include costs related to the provision of emergency medical services (EMS) and have been fairly and reasonably apportioned among the benefitted parcels. While there are many ways to fairly apportion the costs of the fire services to benefitted properties, we note the following:

Apportioning Fire Assessed Costs among classifications of property based upon the historical demand for fire protection services is a fair and reasonable method because it reflects the property uses' potential fire risk based upon building use and is a reasonable proxy for the amount of fire flow, firefighters training and experience, quantity and size of apparatus, and other special firefighting equipment that must be available in

accordance with the Town's standards and practices. Historical demand for fire protection services provides a fair, reasonable and proportionate relationship to the special benefit received by Assessed Parcels, and will ensure that no property is assessed an amount greater than the special benefit received.

Using the Fire Class Codes developed and maintained by the Broward County Property Appraiser to define the classifications of property used to develop the Fire Assessment cost allocations and rate calculations is fair and reasonable and reduces administrative burdens for both the Town and the Property Appraiser.

Apportioning the percentage of the fire protection assessed costs relating to historical calls for service among benefitted property based on Fire Class Codes is fair and reasonable because it reflects the property uses' potential fire risk based upon use, structure characteristics, and is a reasonable proxy for the amount of fire flow, firefighters training, and experience, quantity and size of apparatus, and other special firefighting equipment that must be available in accordance with the Town's standards and practices.

The fire rescue incident reports (NFIRS) are the most reliable data available to determine the potential demand for fire services from property use and to determine the benefit to property use resulting from the demand for fire protection services to protect and serve buildings and land located within assessed property and their intended occupants. There exist sufficient fire incident reports that document the historical demand for fire protection services from assessed property within the property use categories. The relative demand that has been determined for each property use category by an examination of such fire rescue incident reports is consistent with the experience of the Town. Therefore, the use of the relative percentages that were determined by an examination of fire rescue incident reports is a fair and reasonable method to apportion the fire protection assessed costs among the property use categories.

The potential demand for fire protection services to Residential property relates primarily to the presence of Dwelling Units and the anticipated occupants of the Dwelling Units. Neither the size nor the value of the residential property determines the scope of the required fire response in the Town of Southwest Ranches. The potential demand for

fire services is driven by the existence of each and every dwelling unit and the anticipated average occupant population. Other structures on a parcel with one or more Dwelling Units, such as non-commercial barns, free-standing garages and/or assessable farm structures, that are not Non-Residential Buildings are considered to be appurtenant to or accessory to the primary use of one or more Dwelling Units and are not assessed in addition to the Dwelling Unit(s). It is fair and reasonable to assess parcels with existing Dwelling Units based on that primary use and to not assess other structures that are not Non-residential Buildings present on the same parcel.

“Residential/Other” or “R” Property, for purposes of imposition of the Fire Services Assessment, shall also include property with one or more structures that are not Non-residential Buildings, such as barns and/or accessory structures, and that are located on property without any existing Dwelling Unit(s). Non-residential Building(s) on such parcels shall be assessed at the Residential Property Rate collectively as one (1) dwelling unit. Structures that are not Non-residential Buildings that are located on parcels with no existing Dwelling Units generate demand for fire protection services similar to that demand generated by a single Dwelling Unit. Apportioning fire assessed costs to structures that are not Non-residential Buildings, such as assessable farm structures and non-commercial barns, and that are located on a separate parcel (with no Dwelling Units) in the same manner as a residential dwelling unit is a fair and reasonable method because the responses to those structures is similar to a response to a residential dwelling unit.

Apportioning the percentage of the fire protection assessed costs based on the relative demand for fire services attributable to residential property on a per dwelling unit basis, or, in the case of a structure on a separate parcel that is not a Non-residential Building as described above, is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method of parcel apportionment based upon historical call data.

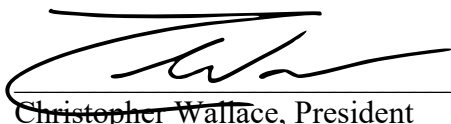
The assessment of Non-residential Buildings by actual square footage (“Building Area”) is fair and reasonable for the purpose of parcel apportionment based on relative demand because the demand for fire service to such Non-residential Buildings is primarily determined and measured by the actual square footage of structures and improvements

within benefited parcels. The greater the Building Area, the greater the potential for a large fire and the greater amount of firefighting resources that must be available in the event of a fire in a structure of that building's size. Therefore, allocating assessable fire protection services costs to Non-residential Buildings based on the structure square footage (Building Area) is fair and reasonable and has a logical relationship to the demand for and benefit from fire protection services.

We believe that the apportionment methodology prepared herein is fair and reasonable, that the assessment rates proposed have a logical relationship to the special benefits to the Assessed Parcels from the availability and provision of fire protection services, that each Assessed Parcel located within the Town will be benefited by the Town's provision of fire protection services, facilities, and programs in an amount not less than the Fire Protection Assessment imposed against such parcel, and that the methodology fits the particular properties in and nature of the Town of Southwest Ranches.



7320 Griffin Road, Ste. 102
Davie, Florida 33314
954-903-0712



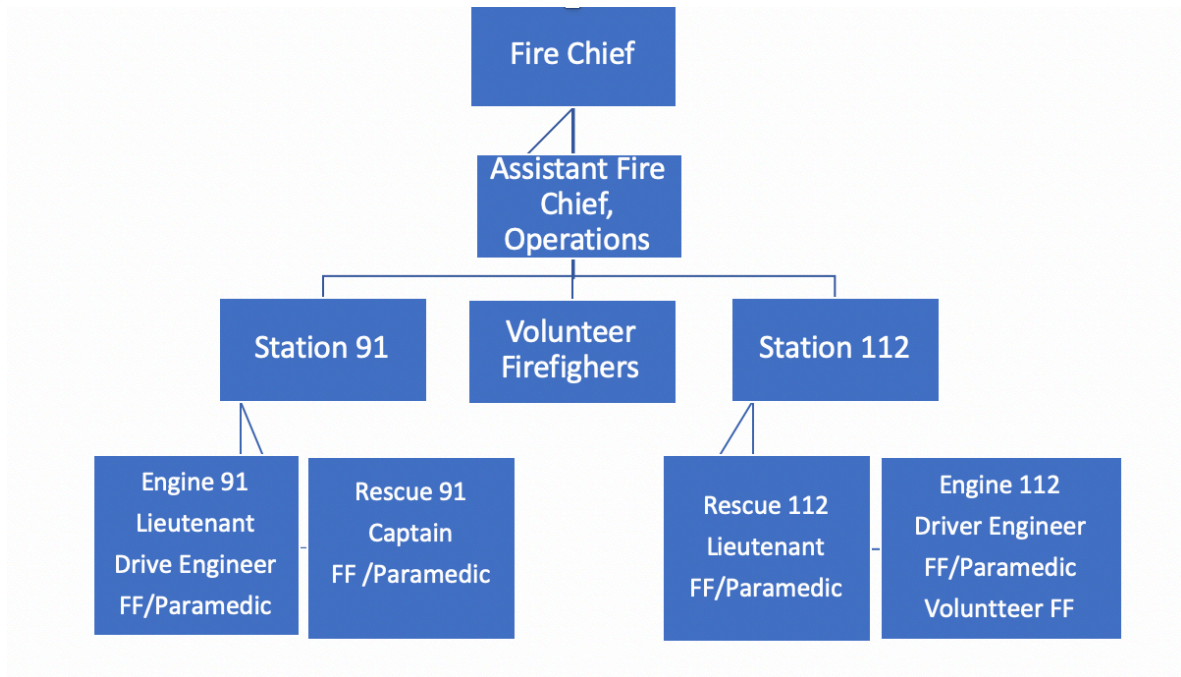
Christopher Wallace, President
July 15, 2020

Appendix A

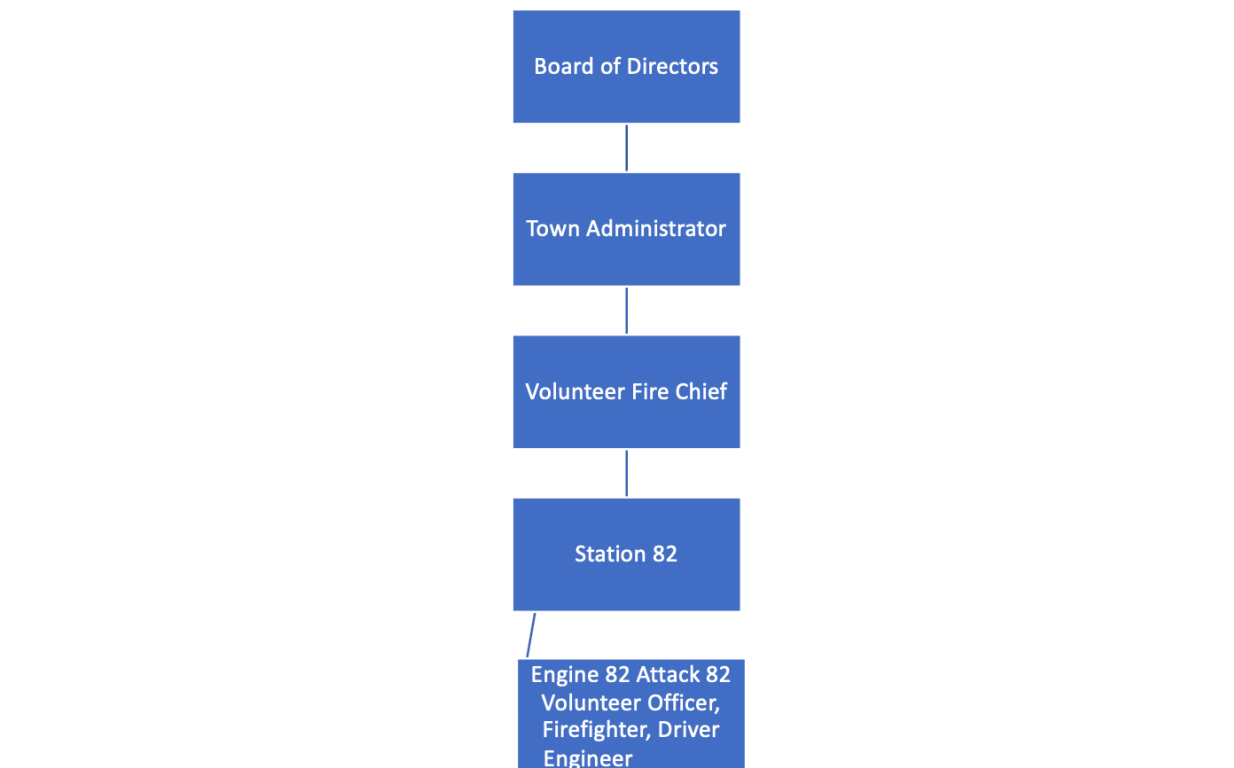
Fire Rescue Cost Apportionment, FY2019-20 Budget

	Total Budget	Fire Allocation	Rescue/EMS Allocation	Fire Costs	Rescue/EMS Costs
Personnel Costs					
Total All Personnel	2,270,199	60%	40%	1,362,119	908,080
Operating Expenditures					
Contractual Services	176,033	60%	40%	105,620	70,413
Internal Services _IT	89,667	60%	40%	53,800	35,867
Community Programs	1,000	60%	40%	600	400
Communications Services	14,817	60%	40%	8,890	5,927
Repairs and Maintenance, Vehicles	56,691	60%	40%	34,015	22,676
Repairs and Maintenance, Radios	3,500	60%	40%	2,100	1,400
Repairs and Maintenance, Equipment	4,400	60%	40%	2,640	1,760
Repairs and Maintenance, Equip. Directed	12,900	60%	40%	7,740	5,160
Repairs and Maintenance, SW Ranches	2,500	60%	40%	1,500	1,000
Offices Supply Expenses	500	60%	40%	300	200
Uniforms	6,600	60%	40%	3,960	2,640
Protective Fire Equipment	10,800	60%	40%	6,480	4,320
First Aid Supplies and Equipment	33,500	0%	100%	-	33,500
Emergency Preparedness	500	60%	40%	300	200
Fuel	7,884	60%	40%	4,730	3,154
Training and Education	7,259	60%	40%	4,355	2,904
Total Operating Expenditures	428,551			237,031	191,520
Total Expenditures, Davie	2,698,750			1,599,150	1,099,600
Davie Administrative Contract Costs	725,568	60%	40%	435,341	290,227
Total Davie Contract	3,424,318			2,034,491	1,389,827
Equipment Setaside	50,000	100%	0%	50,000	-
Volunteer Fire Costs	331,000	100%	0%	331,000	-
Fire Wells	30,000	100%	0%	30,000	-
Assesment Expenses	41,100	100%	0%	41,100	-
Allocated Townwide Cost	196,793	100%	0%	196,793	-
Total SWR Fire Budget	4,073,211			2,683,384	1,389,827

Appendix B
Town of Southwest Ranches Fire Rescue
Organizational Table



Southwest Ranches Volunteer Fire Rescue



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Appendix C
Fire Rescue Call Categorization

NFIRS Fire Type	Fire Class Code
100 - Fire, Other	
1 or 2 family dwelling	R
NULL	R
Open land or field	A
Outside or special property, Other	A
Residential street, road or residential driveway	R
Street, Other	STREET
Water utility	X
111 - Building fire	
1 or 2 family dwelling	R
112 - Fires in structure other than in a building	
Outbuilding or shed	R
113 - Cooking fire, confined to container	
1 or 2 family dwelling	R
118 - Trash or rubbish fire, contained	
1 or 2 family dwelling	R
Outside or special property, Other	A
122 - Fire in motor home, camper, recreational vehicle	
Open land or field	A
131 - Passenger vehicle fire	
1 or 2 family dwelling	R
Highway or divided highway	STREET
Open land or field	A
Residential street, road or residential driveway	STREET
Street, Other	STREET
Vehicle parking area	C
1311 - Passenger vehicle fire with MVC	
Residential street, road or residential driveway	STREET
138 - Off-road vehicle or heavy equipment fire	
1 or 2 family dwelling	R
Funeral parlor	C
140 - Natural vegetation fire, Other	
1 or 2 family dwelling	R
Crops or orchard	C
Open land or field	A
Outside or special property, Other	A
141 - Forest, woods or wildland fire	
1 or 2 family dwelling	R
142 - Brush or brush-and-grass mixture fire	
1 or 2 family dwelling	R
Highway or divided highway	STREET
Livestock production	C
Open land or field	A
Street, Other	STREET
Vacant lot	A
143 - Grass fire	
Open land or field	A
150 - Outside rubbish fire, Other	
1 or 2 family dwelling	R
Open land or field	A
Outside or special property, Other	A
Vacant lot	A
151 - Outside rubbish, trash or waste fire	
1 or 2 family dwelling	R
Crops or orchard	C
Highway or divided highway	STREET
Open land or field	A
Outside or special property, Other	A
Professional supplies, services	C
Residential street, road or residential driveway	R
Street, Other	STREET
153 - Construction or demolition landfill fire	
1 or 2 family dwelling	R
154 - Dumpster or other outside trash receptacle fire	
1 or 2 family dwelling	R
Professional supplies, services	C
160 - Special outside fire, Other	
1 or 2 family dwelling	R
Church, mosque, synagogue, temple, chapel	I
Street or road in commercial area	C
Vehicle parking area	C
162 - Outside equipment fire	
Crops or orchard	C
173 - Cultivated trees or nursery stock fire	
1 or 2 family dwelling	R

251 - Excessive heat, scorch burns with no ignition	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Food and beverage sales, grocery store	C
Mercantile, business, Other	C
Vehicle storage, Other	W
400 - Hazardous condition, Other	
1 or 2 family dwelling	R
Mercantile, business, Other	C
Street or road in commercial area	C
Street, Other	STREET
411 - Gasoline or other flammable liquid spill	
Convenience store	C
Street, Other	STREET
412 - Gas leak (natural gas or LPG)	
1 or 2 family dwelling	R
424 - Carbon monoxide incident	
1 or 2 family dwelling	R
440 - Electrical wiring/equipment problem, Other	
1 or 2 family dwelling	R
Educational, Other	I
High school/junior high school/middle school	I
Residential street, road or residential driveway	R
Street or road in commercial area	C
Street, Other	STREET
441 - Heat from short circuit (wiring), defective/worn	
1 or 2 family dwelling	R
442 - Overheated motor	
1 or 2 family dwelling	R
Church, mosque, synagogue, temple, chapel	I
Educational, Other	I
Highway or divided highway	STREET
443 - Breakdown of light ballast	
1 or 2 family dwelling	R
444 - Power line down	
1 or 2 family dwelling	R
Church, mosque, synagogue, temple, chapel	I
Outside or special property, Other	A
Residential street, road or residential driveway	R
Street or road in commercial area	C
Street, Other	STREET
Vehicle parking area	C
445 - Arcing, shorted electrical equipment	
1 or 2 family dwelling	R
Electrical distribution	I
Open land or field	A
Residential street, road or residential driveway	R
Schools, non-adult, other	I
Street, Other	STREET
460 - Accident, potential accident, Other	
Street, Other	STREET
463 - Vehicle accident, general cleanup	
Highway or divided highway	STREET
Street, Other	STREET
480 - Attempted burning, illegal action, Other	
1 or 2 family dwelling	R
481 - Attempt to burn	
Open land or field	A
500 - Service Call, other	
1 or 2 family dwelling	R
Household goods, sales, repairs	C
Outside or special property, Other	A
Street, Other	STREET
Vehicle parking area	C
522 - Water or steam leak	
1 or 2 family dwelling	R
531 - Smoke or odor removal	
1 or 2 family dwelling	R
553 - Public service	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Open land or field	A
Residential street, road or residential driveway	R
561 - Unauthorized burning	
1 or 2 family dwelling	R
Open land or field	A
651 - Smoke scare, odor of smoke	

1 or 2 family dwelling	R
Open land or field	A
Outside or special property, Other	A
Professional supplies, services	C
Residential street, road or residential driveway	R
Street, Other	STREET
653 - Smoke from barbecue, tar kettle	
1 or 2 family dwelling	R
671 - HazMat release investigation w/no HazMat	
1 or 2 family dwelling	R
700 - False alarm or false call, Other	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Church, mosque, synagogue, temple, chapel	I
Food and beverage sales, grocery store	C
Household goods, sales, repairs	C
Mercantile, business, Other	C
Residential, Other	R
Storage, Other	W
Street, Other	STREET
Vehicle storage, Other	W
710 - Malicious, mischievous false call, Other	
Day care, in commercial property	C
714 - Central station, malicious false alarm	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Business office	C
Educational, Other	I
Elementary school, including kindergarten	I
Mental retardation/development disability facility	I
Residential board and care	R
Vehicle storage, Other	W
715 - Local alarm system, malicious false alarm	
Educational, Other	I
High school/junior high school/middle school	I
730 - System malfunction, Other	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Church, mosque, synagogue, temple, chapel	I
High school/junior high school/middle school	I
732 - Extinguishing system activation due to malfunction	
1 or 2 family dwelling	R
Church, mosque, synagogue, temple, chapel	I
733 - Smoke detector activation due to malfunction	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Church, mosque, synagogue, temple, chapel	I
Food and beverage sales, grocery store	C
High school/junior high school/middle school	I
Mercantile, business, Other	C
Residential board and care	R
735 - Alarm system sounded due to malfunction	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Adult education center, college classroom	I
Church, mosque, synagogue, temple, chapel	I
Educational, Other	I
High school/junior high school/middle school	I
Mental retardation/development disability facility	I
Mercantile, business, Other	C
736 - CO detector activation due to malfunction	
1 or 2 family dwelling	R
740 - Unintentional transmission of alarm, Other	
1 or 2 family dwelling	R
Boarding/rooming house, residential hotels	C
Church, mosque, synagogue, temple, chapel	I
Educational, Other	I
Elementary school, including kindergarten	I
Vehicle storage, Other	W
743 - Smoke detector activation, no fire - unintentional	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Alcohol or substance abuse recovery center	I
Boarding/rooming house, residential hotels	C
Church, mosque, synagogue, temple, chapel	I
Educational, Other	I
Fire station	I

Food and beverage sales, grocery store	C
High school/junior high school/middle school	I
Mental retardation/development disability facility	I
Mercantile, business, Other	C
Preschool	C
Public or government, Other	X
Residential, Other	R
Vehicle storage, Other	W
744 - Detector activation, no fire - unintentional	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Alcohol or substance abuse recovery center	I
Boarding/rooming house, residential hotels	C
Church, mosque, synagogue, temple, chapel	I
Dormitory-type residence, other	R
Eating, drinking places, other	C
Educational, Other	I
Fire station	X
High school/junior high school/middle school	I
Schools, non-adult, other	I
Vehicle storage, Other	W
745 - Alarm system activation, no fire - unintentional	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Boarding/rooming house, residential hotels	R
Church, mosque, synagogue, temple, chapel	I
Educational, Other	I
Fire station	X
Food and beverage sales, grocery store	C
High school/junior high school/middle school	I
Household goods, sales, repairs	C
Mental retardation/development disability facility	I
Mercantile, business, Other	C
Property Use, Other	C
Residential board and care	R
Residential or self-storage units	W
Restaurant or cafeteria	C
Vehicle storage, Other	W
Alarm system activation, no fire - unintentional	
1 or 2 family dwelling	R
Adult education center, college classroom	I
Church, mosque, synagogue, temple, chapel	I
Elementary school, including kindergarten	I
Mercantile, business, other	C
Preschool	C
Alarm system sounded due to malfunction	
Church, mosque, synagogue, temple, chapel	I
Household goods, sales, repairs	C
Mental retardation/development disability facility	I
Arcing, shorted electrical equipment	
Open land or field	A
Pipeline, power line or other utility right-of-way	STREET
Street, other	STREET
Attempted burning, illegal action, other	
1 or 2 family dwelling	R
Authorized controlled burning	
Open land or field	A
Brush or brush-and-grass mixture fire	
1 or 2 family dwelling	R
Open land or field	A
Residential street, road or residential driveway	R
Building fire	
1 or 2 family dwelling	R
Detector activation, no fire - unintentional	
1 or 2 family dwelling	R
Alcohol or substance abuse recovery center	I
High school/junior high school/middle school	I
Reformatory, juvenile detention center	I
Electrical wiring/equipment problem, other	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Residential street, road or residential driveway	R
Street, other	STREET
Excessive heat, scorch burns with no ignition	
1 or 2 family dwelling	R
Alcohol or substance abuse recovery center	I
Church, mosque, synagogue, temple, chapel	I

False alarm or false call, other	
1 or 2 family dwelling	R
Business office	C
Elementary school, including kindergarten	I
Food and beverage sales, grocery store	C
Household goods, sales, repairs	C
Mercantile, business, other	C
Places of worship, funeral parlors, other	I
Preschool	C
Fire, other	
Service station, gas station	C
Gasoline or other flammable liquid spill	
Service station, gas station	C
Lightning strike (no fire)	
1 or 2 family dwelling	R
Malicious, mischievous false call, other	
Food and beverage sales, grocery store	C
High school/junior high school/middle school	I
Natural vegetation fire, other	
1 or 2 family dwelling	R
Ind., utility, defense, agriculture, mining, other	I
Outside equipment fire	
1 or 2 family dwelling	R
Outside rubbish, trash or waste fire	
Dump, sanitary landfill	I
Open land or field	A
Outside or special property, other	G
Overheated motor	
Highway or divided highway	STREET
Passenger vehicle fire	
Street, other	STREET
Vehicle parking area	C
Power line down	
1 or 2 family dwelling	R
Residential street, road or residential driveway	R
Street, other	STREET
Smoke detector activation due to malfunction	
1 or 2 family dwelling	R
Elementary school, including kindergarten	I
Smoke detector activation, no fire - unintentional	
1 or 2 family dwelling	R
Alcohol or substance abuse recovery center	I
Church, mosque, synagogue, temple, chapel	I
Public or government, other	X
Smoke or odor removal	
1 or 2 family dwelling	R
Smoke scare, odor of smoke	
1 or 2 family dwelling	R
Business office	C
System malfunction, other	
1 or 2 family dwelling	R
Trash or rubbish fire, contained	
1 or 2 family dwelling	R
Unauthorized burning	
1 or 2 family dwelling	R
Unintentional transmission of alarm, other	
1 or 2 family dwelling	R
24-hour care Nursing homes, 4 or more persons	I
Alcohol or substance abuse recovery center	I
Bank	C
Residential or self-storage units	W
Storage, other	W
Water or steam leak	
Street, other	STREET
Water problem, other	
1 or 2 family dwelling	R
Mercantile, business, other	C
Street, other	STREET
Water vehicle fire	
Open land or field	A

Town of Southwest Ranches
Proposed FY 2020/2021
Fire Assessment Worksheet

EXHIBIT A (continued)

Sources:

Fire Administration Department
 Volunteer Fire Service Department
 Volunteer Fire Fund

Expenditures	Total FY 2020-2021 Proposed	General Fund Portion	Fire Assessment Portion
% Allocation per Consultant Study for FR Contractual Services Only		40.00%	60.00%

Direct Expenses:

Fire Rescue Contractual Service	\$ 3,627,556	\$ 1,451,022	\$ 2,176,534
Operating Expenses	320,769	N/A	320,769
Non-Operating Debt	29,485	N/A	29,485
Capital Outlay	50,209	19,500	30,709
Sub-Total	\$ 4,028,019	\$ 1,470,522	\$ 2,557,497

Other Expenses

Publication & Notification Costs			1,407
Statutory Discount			103,839
Collections Cost			37,084
Fire Assessment Cost Allocation of Townwide Personnel\Contractual Costs			227,379
Fire Protection/Control Contingency			39,000
Total Fire Assessment Expenses			\$ 2,966,206

Based On Consultant Study

Property Category	Assess Unit Type	% Effort Allocation	Amount	Total Proposed Rates FY 20/21	Total Assessed Rates FY 19/20	Difference: Increase (Decrease)
Commercial - 336,209 SF	Per Sq.Ft. Bldg Area	12.77%	378,785	\$ 1.1266	0.9000	0.2266
Institutional - 551,028 SF	Per Sq.Ft. Bldg Area	22.49%	667,100	\$ 1.2106	0.2500	0.9606
Acreage - 1.914 Acres	Per Acre	5.47%	162,251	\$ 84.76	95.21	(10.45)
Residential - 2,644 Units	Per Unit	56.08%	1,663,448	\$ 629.14	523.51	105.63
Warehouse/Industrial - 124,843 SF	Per Sq.Ft. Bldg Area	2.28%	67,629	\$ 0.5417	1.6000	(1.0583)
Government - Exempt - 39,384 SF	Per Sq.Ft. Bldg Area	0.91%	26,992	\$ -	-	-
Total		100%	\$ 2,966,206			

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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
Doug McKay, Mayor
Denise Schroeder, Vice Mayor
Delsa Amundson, Council Member
Bob Hartmann, Council Member
Gary Jablonski, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Russell Muñoz, Assistant Town Administrator/Town Clerk
DATE: 7/30/2020
SUBJECT: CARES ACT FUNDING ILA WITH BROWARD COUNTY

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

Fiscal Impact/Analysis

Staff Contact:

Russell Muñoz, Assistant Town Administrator/Town Clerk

ATTACHMENTS:

Description	Upload Date	Type
CARES ACT FUNDING ILA - TAAPPROVED	7/24/2020	Resolution

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RESOLUTION NO. 2020 - XXX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY PROVIDING FOR THE PROVISION OF CARES ACT FUNDING TO OFFSET UNANTICIPATED EXPENDITURES ASSOCIATED WITH THE TOWN'S EFFORTS IN RESPONDING TO THE COVID-19 PANDEMIC; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE THE INTERLOCAL AGREEMENT AND ANY AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Congress has appropriated a \$1.5 billion funding package entitled the Coronavirus Aid, Relief, and Economic Security (CARES) Act to help communities respond to the surging COVID-19 pandemic; and

WHEREAS, Broward County has received \$341 million dollars of funding which they will share 30% or \$102 million dollars with its 31 cities for expenses in the following four categories: Public Health Expenses, Payroll Expenses, Facilitate Compliance Expenses, and Economic Support Expenses; and

WHEREAS, the Town has expended a considerable amount of money in the Payroll Expenses and Facilitate Compliance Categories and wishes to avail itself of any funding opportunity that will offset these unanticipated expenses; and

WHEREAS, the Parties are desirous of entering into an Interlocal Agreement (ILA) providing for a reimbursement of expenditures in response to the COVID-19 pandemic.

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

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

Section 2: The Town Council hereby approves the Interlocal Agreement with Broward County, substantially in the form of the Agreement attached as Exhibit "1," providing for distribution of CARES Act funding to reimburse expenses incurred by the Town in its response to the COVID-19 pandemic.

Section 3: Authorization. The Mayor, Town Administrator, and Town Attorney are hereby authorized to enter into the Interlocal Agreement with Broward County, substantially in the form of the Agreement attached as Exhibit

"1," providing for distribution of CARES Act funding to reimburse expenses incurred by the Town in its response to the COVID-19 pandemic and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

Section 4: Effective Date. This Resolution shall become effective immediately upon its adoption.

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

Ranches, Florida, this 30th day of July 2020 on a motion by

_____ and seconded by _____.

McKay _____
Schroeder _____
Amundson _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____

Doug McKay, Mayor

ATTEST:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff, J.D., Town Attorney
37244969.1

WORKSHOP MEETING MINUTES OF THE TOWN COUNCIL Southwest Ranches, Florida

Thursday 6:00 PM

December 12, 2019

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew Berns, Town Administrator

Vice Mayor Denise Schroeder

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Amundson

Martin D. Sherwood, Town Financial

Administrator

Council Member Bob Hartmann

Council Member Gary Jablonski

Richard DeWitt, Deputy Town Attorney

Workshop Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The workshop, having been properly noticed, was called to order by Mayor McKay at 6:06 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

3. Discussion – US 27 Employment Center Category – Permitted Uses

Town Administrator Berns explained that the purpose of the workshop was to establish the permitted uses for the US 27 Employment Center land use category. When the land use category was created the LIST OF permitted uses was not created. He indicated the Town Council had more recently tasked the Comprehensive Planning Advisory Board with reviewing a list of proposed uses submitted by the majority property owner within that category. He advised the Comprehensive Planning Advisory Board had completed their task and wished to present to Council for their approval or disapproval.

Assistant Town Planner Jeff Katims gave some background on this issue via a PowerPoint presentation he prepared. He advised that in 2017 the Town Council decided to allow business uses along US 27 as part of an amendment to the Comprehensive Plan. He proceeded to read through a summary of the intended outcomes for the newly created amendment. He indicated that the following broad uses were allowed by the amendment:

- Fabrication and Assembly
- Sale and Display of Equipment
- Light Manufacturing
- Light Industrial Uses
- Educational and Scientific Research Businesses excluding Medical or Industrial Labs
- Offices
- Lodging
- Retail
- Restaurants
- Personal Services and other ancillary commercial uses
- Commercial Recreation
- Wholesaling
- Warehousing
- Storage and Distribution

As these categories were very broad, it could lead to different interpretations as to what can be allowed or prohibited. The zoning regulations to be determined would establish the listed of permitted uses and development standards.

He advised that the Bergeron Companies coordinated the development of the list with the Comprehensive Planning Advisory Board as they were the owners of a majority of the property within the Employment Center land use. The list of permitted uses were developed to be 1) compatible with the use categories, 2) compatible or potentially compatible, and 3) environmentally neutral. The category uses developed by the Board were as follows:

- Assembly, Fabrication
- Display Sales
- Some Manufacturing
- Storage
- Packing/Shipping, and Repair

He felt it was important at this meeting to identify any concerns/objections with the use list that the Board was recommending, and to identify any concerns/objections to the text amendment of the Comprehensive Plan that would be a result of this list of uses. Besides these five use categories he believed the text amendment to the Comprehensive Plan was necessary for several reasons. First, when the US 27 Employment Center category was created the Broward County Land Use plan limited how much commercial use would be allowed in an industrial category. Therefore every land use category has to "slot in" within an umbrella category from Broward County. The umbrella categories don't allow for much commercial. Additionally, the text can be interpreted to limit commercial uses on the westside of US 27. There are some privately held parcels of property on the west side that may want to be developed commercially.

The following members of the public spoke on this issue: Newell Hollingsworth, Jim Laskey, Ron Bergeron, and Frank Saia.

Council Member Hartmann asked if the Comprehensive Plan was amended to accommodate the request made by Mr. Bergeron concerning water and sewer, would it affect the lawsuit the Town is enjoined with against the City of Pembroke Pines. Deputy Town Attorney DeWitt indicated that he did not wish to comment publicly because of the lawsuit but would get back to each Council Member individually after conferring with Town Attorney Poliakoff.

Mayor McKay noted that the Comprehensive Planning Advisory Board has removed Gas Stations and Truck Stops. Given the amount of regulation from the state on these types of uses he was not clear why the Board opposed such uses.

Vice Mayor Schroeder felt that if Mr. Bergeron was to operate one of these types of establishments it would not put the Town in jeopardy so she felt those uses could be included.

Council Member Jablonski expressed his comfort with the list developed by the Comprehensive Planning Advisory Board.

Council Member Amundson agreed with Mayor McKay in that a few more additional uses such as Gas Stations, Truck Stops, etc. should be allowed.

Council Member Hartmann agreed that commercial uses are best suited for US 27, but he felt allowing a Truck Stop out there encourages traffic from I-75 which would adversely affect the Town. He felt the list presented by the Board had been vetted several times over and was actually more expansive than previously considered but he was ok with it. Furthermore, he felt that if a future Town Council wanted to amend the list and allow for expanded uses they could do so, but he felt this list was the right list for the Town right now.

The following motion was made by Council Member Hartmann, seconded by Council Member Amundson and passed by voice vote.

MOTION: TO SCHEDULE A SPECIAL MEETING ON JANUARY 23, 2020 TO DISCUSS THIS MATTER FURTHER.

4. Adjournment

Meeting was adjourned at 7:05 p.m.

Respectfully submitted:

Russell Muñiz, Assistant Town Administrator/Town Clerk

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

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.

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REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

December 12, 2019

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew Berns, Town Administrator

Vice Mayor Gary Jablonski

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Bob Hartmann

Martin D. Sherwood, Town Financial Administrator

Council Member Denise Schroeder

Keith Poliakoff, Town Attorney

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 McKay at 7:40 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

10. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") ARTICLE 5, "ADMINISTRATIVE AND LEGAL PROVISIONS," SECTION 005-120, "CERTIFICATES REQUIRED" TO REQUIRE CERTIFICATES OF USE FOR FARMS, NONCOMMERCIAL FARMS, COTTAGE FOOD OPERATIONS, AND HOME OCCUPATIONS, AND PROVIDING CERTAIN EXEMPTIONS FROM FEES; AMENDING SECTION 10-30, "TERMS DEFINED" AS IT PERTAINS TO AGRICULTURAL DEFINITIONS; AMENDING ARTICLE 45, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-030, "GENERAL PROVISIONS" TO REVISE REGULATIONS GOVERNING REGISTRATION, PARKING AND STORING OF AGRICULTURAL VEHICLES AND EQUIPMENT, TO PERMIT THE SALE AND DISPLAY OF COTTAGE FOODS, TO ENCOURAGE THEMATIC ARCHITECTURAL DESIGN OF COMMERCIAL FARM BUILDINGS, TO REGULATE NURSERY LOCATIONS AND PROVIDE FOR NONCONFORMING USES, AND TO PROHIBIT CONVERSION OF DWELLINGS FOR NONRESIDENTIAL USE; AMENDING SECTION 045-050, "PERMITTED AND PROHIBITED USES" TO PROHIBIT LANDSCAPE MAINTENANCE OPERATIONS; MAKING VARIOUS AMENDMENTS OF A HOUSEKEEPING NATURE; 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 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 MOVE THIS ITEM OUT OF ORDER.

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 WITHDRAW THIS ITEM FROM THE AGENDA, SEND BACK TO STAFF TO BE REVISED, THE ITEM WILL THEN BE CONSIDERED AT THE JANUARY 23, 2020

MEETING WITH THE OPTION TO SEND BACK TO COMPREHENSIVE PLANNING ADVISORY BOARD FOR CONSIDERATION.

3. Public Comment

The following members of the public addressed the Town Council: David Kuczenski, Mary Ann Allen, Michelle McBride, Fred Cox, Jim Laskey, Kathy Cox, Debbie Iten, and Newell Hollingsworth.

4. Board Reports

No reports were made.

5. Council Member Comments

Council Member Jablonski spoke of upcoming Town events including the Fun Horse Show on December 14th at the Equestrian Park, the Interfaith Town Holiday Lighting event at Town Hall on the 19th. He advised the DMV FLOW program would be on hand at Town Hall on the 26th. He further advised that the Schools and Education Advisory Board Fundraiser, Mr. & Miss Southwest Ranches would be held at the Rolling Oaks Barn on January 3, 2020. Responding to comments made earlier in the meeting he opined that the Town Council acted responsibly. Once they were made aware of the problematic language in the "Nursery Ordinance" they took swift action. He spoke of the legislative process at the Town level and how the advisory boards play a part in that process.

Council Member Hartmann wished everyone Happy Holidays. He spoke about phone calls he received about regarding the "Nursery Ordinance" concerning the restrictions on horse trailers. He refuted comments made during the Public Comments section about the Town Council not participating in the Advisory Boards discussion. He gave his recollection of the history of this proposed ordinance as it came before the Comprehensive Planning Advisory Board in multiple drafts. He emphasized the Town Council's disapproval of this version of the ordinance and indicated that is why it was withdrawn with a unanimous vote. He asked that if anyone had suggestions to improve the legislative process to let him or any member of the Town Council know. He recognized Council Member Amundson for doing an admirable job in such a short period of time.

Council Member Amundson stressed that her intent was to be available to the residents and help them.

Vice Mayor Schroeder wished everyone a healthy and happy holiday season.

Mayor McKay wished everyone a healthy and happy holiday season. He recognized Christopher Flores, a resident and US Air Force Senior Airman who was home visiting his parents.

6. Legal Comments

Town Attorney Poliakoff thanked Council Member Hartmann for explaining the legislative process behind the draft Nursery Ordinance. He wanted it known that legal doesn't draft these ordinances but merely review them for legal sufficiency after they are drafted and vetted by the advisory

board. He addressed a social media post that he felt was erroneous concerning the School Board site along Sheridan Street and 190th Avenue. When the Town purchased that property the Town was also required to have an affordable housing requirement as required by the now defunct Department of Community Affairs (DCA). The Town upzoned that site after acquisition and designated the site for future affordable housing use to meet the standard established by DCA. The Town Council then sold the property to the Broward County School Board and deed restricted the site so that if the School Board ever sold the property it could only be used for a K-12 school site. The County never recognized the Town's land use designation on the site which left the property in conflict. For many years the Town contacted the School Board and offered to buy the property back as it never saw any plans by the School Board to build a school on the site. In contact with the School Board over the years, the Town has always urged them to build a K-12 veterinary medicine agricultural life sciences school. On social media someone was saying that a Charter School was coming to that site. He emphasized that information was false. He did advise that the School Board has approached the Town about selling the property back to the Town, but he felt they had a conundrum. When the School Board sells property back to the cities they deed restrict the property saying it cannot be a school. Conversely, the Town has a deed restriction on the property that says it can only be a school. With these contradictory deed restrictions the property is virtually worthless and makes it difficult for the School Board to sell. Should the Town reacquire the property it must return to a school site.

7. Administration Comments

Town Administrator Berns advised that Community Services Director Robert Solera and his wife Deputy Town Clerk Ivette Solera would be relocating to Georgia. In Mr. Solera's place, Julio Medina would be taking over Code Enforcement and Zoning services.

Ordinance - 1st Reading

8. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ADOPTING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2020-2024 PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 ORDINANCE.

9. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF APPROXIMATELY 33 ACRES FROM MEDIUM DENSITY RESIDENTIAL (16 DU/AC) TO RURAL RANCH, TO MATCH BROWARD COUNTY'S FUTURE LAND USE MAP DESIGNATION, GENERALLY LOCATED AT THE NORTHEAST QUADRANT OF SHERIDAN STREET AND SW 190TH AVENUE; PROVIDING FOR TRANSMITTAL TO THE STATE LAND

PLANNING AGENCY; REQUESTING RECERTIFICATION BY THE BROWARD COUNTY PLANNING COUNCIL; AND, PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-20-2)

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.

11. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") BY AMENDING SECTION 10-30, "TERMS DEFINED;" AMENDING ARTICLE 100, "APPLICATION SUBMITTAL AND NOTICE PROCEDURES," SECTIONS 100-020, "GENERAL APPLICATION REQUIREMENTS," 100-030, "MINIMUM REQUIRED CONTENT FOR ALL PUBLIC HEARING NOTIFICATIONS," AND 100-060, "MAIL NOTICE REQUIREMENTS FOR PUBLIC HEARINGS;" CREATING ARTICLE 112 ENTITLED, "SPECIAL EXCEPTION USES;" 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 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.

Resolutions

12. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE TOWN COUNCIL MEETING SCHEDULE FOR THE CALENDAR YEAR 2020; AND PROVIDING FOR 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.

13. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE TOWN HOLIDAY SCHEDULE FOR THE CALENDAR YEAR 2020; 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 RESOLUTION.

14. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF FIRE ADVISORY BOARD (FAB); RESTATING THE BOARD'S SCOPE; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; AND PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Council Members Hartmann, 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 EXCEPTION OF COUNCIL MEMBER AMUNDSON'S APPOINTMENTS.

15. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF THE DRAINAGE AND INFRASTRUCTURE ADVISORY BOARD (DIAB); RESTATING THE BOARD'S PURPOSE AND OBJECTIVES; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Schroeder, seconded by Council Member Amundson 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 AND APPOINT JIM STARKWEATHER AS MAYOR MCKAY'S APPOINTMENT.

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 APPOINTMENT OF YARDIEL FUENTES TO FILL THE AT-LARGE VACANCY.

16. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF THE RECREATION, FORESTRY, AND NATURAL RESOURCES ADVISORY BOARD (RFNRAB); RATIFYING THE BOARD'S PURPOSE AND OBJECTIVES; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; 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 AND ADD DENA BUTLER AND APPOINT ASTER KNIGHT AS AN HONORARY MEMBER.

17. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF THE RURAL PUBLIC ARTS AND DESIGN ADVISORY BOARD (RPDAB);

RESTATING THE BOARD'S SCOPE; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; 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.

18. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF THE SCHOOLS AND EDUCATION ADVISORY BOARD (SEAB); RESTATING THE BOARD'S SCOPE; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; 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.

19. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF THE COMPREHENSIVE PLAN ADVISORY BOARD (CPAB); RESTATING THE BOARD'S SCOPE; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Schroeder, 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.

20. A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING APPLICATION NO. SP-74-19 BY IGLESIA MISION VIDA, INC. TO AMEND ITS EXISTING SITE PLAN BY ADDING A 2,396 SQUARE-FOOT STORAGE AND CHURCH OFFICE BUILDING AND INCIDENTAL IMPROVEMENTS; 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.

Town Attorney Poliakoff advised that items 20 and 21 were properly noticed as Quasi-Judicial items but erroneously placed at the end of the agenda. Both items were treated as quasi-judicial items.

Assistant Town Administrator/Town Clerk Muñiz swore in the witnesses. Assistant Town Planner Jeff Katims read the staff report.

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 ADD A CONDITION THAT AN INDEMNIFICATION AGREEMENT BE EXECUTED TO HOLD THE TOWN HARMLESS.

21. A RESOLUTION AND FINAL ORDER OF THE BOARD OF ADJUSTMENT OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING/DENYING APPLICATION NO. VA-74-20 BY IGLESIA MISIÓN VIDA, INC. FOR A VARIANCE FROM SUBSECTION 095-40(B) OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO WAIVE REQUIRED VEHICULAR USE AREA LIGHTING; 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 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 ADD A CONDITION THAT AN INDEMNIFICATION AGREEMENT BE EXECUTED TO HOLD THE TOWN HARMLESS.

Discussion

22. Annual Review of Charter Officials

This item was requested to be tabled by Town Administration to the February 13, 2020 Meeting

23. Approval of Minutes

- a. September 12, 2019 - First Budget Hearing
- b. September 12, 2019 Regular Meeting
- c. September 26, 2019 Regular Meeting
- d. October 10, 2019 Regular Meeting

The following motion was made by Council Member Hartmann, 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 MINUTES.

24. Adjournment

Meeting was adjourned at 9:15 p.m.

Respectfully submitted:

Russell Muñiz, Assistant Town Administrator/Town Clerk

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

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.

SPECIAL MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 6:00 PM

February 13, 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

Special 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 McKay at 6:00 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance. Council Member Hartmann arrived later to the meeting.

Discussion

3. US 27 Employment Center – List of Permitted Uses

Mayor McKay started the Special Meeting by addressing the attendees as to what was going to happen during the discussion. He advised there wasn't going to be a lot of public comment during the discussion as the meeting was intended for the Town Council and the residents were invited to attend to observe and listen to the process. He advised if the residents wanted to remain for the regular meeting afterwards, they could make their comments during the public comment section. Assistant Planner Jeff Katims provided a quick background of the item that was being discussed, which is to go through the list of land uses for the U.S. 27 corridor that the Comprehensive Planning and Advisory Board has reviewed and recommended be allowed along the corridor. The Town Council received the list and the intent was to identify any uses that should be added or subtracted to or from the list and by extension determine if the Comprehensive Plan should be amended as needed to allow some of the uses that wouldn't currently be permitted under the plan. Finally, the Council would decide to allow business uses on the West and East side of US 27 as is currently provided in the Comprehensive Plan.

Mayor McKay read into the record a statement related to the issue being discussed. It stated the Comprehensive Plan Board and the Council felt U.S. 27 would be the best place for future commercial development in the Town. Mayor McKay pointed out the area being discussed on the aerial map displayed behind him to provide the residents with a better understanding of the location to be developed and explained the area is completely buffered from residents by the cemetery. He stated he understood the residents' concerns, but the Town needs some commercial development, as it would provide revenue to the Town and will be beneficial to the residents in terms of providing a cushion against tax increases. Mayor McKay also advised the residents that the property owner has the right to make requests and developers understand what the market is asking for. He explained if the Town limits the uses to what the Town likes, or allows multiple uses, and if nothing gets developed, the market does nothing. Mayor McKay wanted to ensure the Town is fair and reasonable in their decisions as the last thing the Town wants is to lose

developmental control of the property and not receive any revenue from it as well.

Town Attorney Poliakoff clarified the meeting is for the Town Council to discuss a policy decision solely as to how the Town Council envisions the future of the U.S. 27 Corridor. He stated there isn't an item before the Council at this time, just a discussion between Council members to see if they can come to an agreement as to how they wish to proceed.

Vice Mayor Schroeder stated that the discussion on commercial development of U.S. 27 has been going on for a long time. She reviewed the list and there were one or two key items some of the Council wasn't comfortable with. She felt not having commercial development of U.S. 27 would be a shame because having it developed commercially would offset the ad valorem assessed to residential properties. The Town doesn't collect a lot of money from the residential ad valorem, it relies on other financial avenues to arrive at an acceptable number. Vice Mayor Schroeder personally felt it wasn't a big deal to put something out on U.S. 27 that would be conducive to the Town, such as a hotel or a truck stop for truck drivers. She felt developing the U.S. 27 Corridor is a good financial offset for the Town.

Mayor McKay explained the actual location of the property and what is around that area. He pointed out the only affected area would be the cemetery and it has a 660-foot buffer. He also stated that no matter what was going to be put out there, there are strict compliance rules through the state and the county regarding water safety. He didn't feel the Town should put "handcuffs" on the owner if they want to develop the property for the better. The Town would get the tax revenue and the tax base, it would supply jobs and it may provide the residents with a product or service.

Council Member Amundson stated her main concern was to keep the Town's per household taxes as low as is possible. If nothing ever gets developed in the Town other than housing, the taxes will increase quite a bit. She stated the Town needs to keep their eyes open to the needs of the Town, not just the wants. She recalled going to the truck stop to pick up grocery items as the only grocery store around at the time was on Griffin Road and University Drive. She went to the truck stop for gas when she needed it and not once in 40 years has there been an issue, such as a ruptured gas tank or items being dumped in the canals.

Assistant Planner Jeff Katims advised the Town has already adopted a land-use category out on U.S. 27 that allows business uses such as light industrial that are environmentally neutral that aren't incompatible with the residences out there even though the cemetery is a buffer. There are two issues, the original list that was accepted by the Town Council a long time ago and the same list that was recently updated and amended by the Comprehensive Plan Advisory Board that needs to be accepted by the Town Council. Secondly, the owner of the property submitted a request for four additional land-uses to be considered by the Town Council. There aren't any zoning regulations applicable to U.S. 27 yet and the property along there hasn't been changed from the agricultural designation that is currently on the land-use map. This meeting was intended to plan for what eventually may happen and the uses that come out of the meeting will help the Town prepare zoning regulations when the time comes.

The property owner addressed the Town Council and provided an overview of the area that was being discussed. He advised the Town Council he will field any questions they may have. He did request an additional four land-use items be added to the list. They were: 1) gas stations/fuel sales 2) truck-stop service plaza with restaurant, service station, mini food mart repair and service garage 3) motor vehicle repairs and service stations and 4) motor vehicle truck and equipment wholesale and public auctions.

Vice Mayor Schroeder stated she read through the list and there were 50 items that were specifically prohibited use and they are items that may be bad for the environment, however there were a few items on the list that were questionable, such as a nightclub or an adult entertainment venue. She would just like the public to keep an open mind.

Council Member Jablonski provided his own bit of history of the acceptable land-use for the U.S. 27 corridor. He spoke on the process of going through the uses. The Comprehensive Plan Board went through it and increased the list from 50 to 79 uses, four of which needed to be accepted by the Town Council. He stated he is very comfortable with the list that was increased. Mayor McKay asked Council Member Jablonski what the issue was with the additional four the property owner requested, and he replied that there is an infinitesimal amount of problems that could possibly happen, and he doesn't want to entertain them just in case. Mayor McKay reiterated that everybody's thoughts and opinions matter and unless all five Council Members agree, nothing will happen on U.S. 27.

Council Member Amundson restated she didn't think a gas station out on U.S. 27 would be a problem since the truck stop has been there over 40 years. U.S. 27 has a lot of traffic and as time goes on, the traffic is increasing and it makes sense, plus it would be convenient for the Town's residents as well.

Vice Mayor Schroeder was curious as to why an adult entertainment venue was a prohibited use. Council Member Hartmann offered an explanation. He had been on the Comprehensive Plan board before being elected to the Town Council. Locations for commercial development had been discussed for several years. The Town Council asked the Comprehensive Plan board to look at the main corridors of town to see what had the potential for commercial development. The Comprehensive Plan board looked at Griffin Road, Flamingo Road, Sheridan Street and U.S. 27 and at that time everybody agreed U.S. 27 was the ideal spot for development. He stated the Comprehensive Plan board came up with some principles to decide what should go out on U.S. 27 based upon minimal impact to the community such as noise pollution, air and water pollution and crime. Council Member Hartmann stated the Comprehensive Plan board spent close to two years discussing the land-uses for the U.S. 27 corridor and that is how the list came to be and to answer Vice Mayor Schroeder's question, adult entertainment venues historically are not in resident's backyards and the Comprehensive Plan board wanted to keep it that way. He also clarified to the public the difference between residential ad-valorem tax and commercial tax revenues and provided a PowerPoint presentation regarding the property in discussion. Council Member Hartmann stated he was getting a lot of phone calls and emails from his district constituents that were not in favor of developing U.S. 27 which was why he put together the presentation. He said there are good reasons not to develop U.S. 27.

Mayor McKay stated considering Council Member Hartmann's apparent opposition to the development of the U.S. 27 corridor, he felt there wasn't any need to continue further discussion, to which Council Member Hartmann countered that there was still some discussion to be had. Council Member Hartmann said there was still a list of 89 items that have already been vetted. He made a motion to accept those items and move them forward for the ordinance that would be required to grant those usages to the property owner and start the process of changing the land-use and zoning regulation. Mayor McKay replied he was somewhat in agreement with Council Member Hartmann's recommendation, but he would like to also like to move the items the property owner had supplied, from the prohibited uses list and make them neutral so if the property owner came back at a later date to request those uses on a case by case basis, it would be a simpler process. Council Member Hartmann stated even if the uses remained on the prohibited list, the property owner could still come back later to request the change and he would like to keep them on the prohibited list. Council Member Jablonski seconded Council Member Hartmann's motion. Council Member Hartmann asked Town Attorney Poliakoff if the motion he made require a 5-0 vote or a 3-2 vote and Town Attorney Poliakoff stated the Town Council isn't voting on anything at the meeting. What is being asked is to bring back an ordinance for the Town Council's approval that contains all 89 accepted uses and the other uses that are prohibited and at that time the item will be fully debated by the Town Council and the public. A motion isn't needed, the Town Council can direct Town staff to bring back the ordinance. The Town Council can direct when they would like the ordinance to be presented to make sure everyone is present at that time. Town Attorney Poliakoff asked the Town Council when they would like the ordinance to be brought back to them and Council Member Hartmann opened it up to the Town Council and asked Assistant Planner Katims the time frame needed to draft the ordinance. Assistant Planner Katims said he didn't think it was appropriate to draft the ordinance until he had all the items needed to support the ordinance. There needs to be a complete set of zoning regulations that includes development standards, parking and signage and once all that is completed the ordinance can be brought back to the Town Council. He suggested not putting a time or date certain yet until direction has been given. Council Member Hartmann asked how much time Assistant Planner Katims needed.

Council Member Amundson asked what the difference between fuel storage, under acceptable uses and gas station, under prohibited uses was. She stated fuel is fuel to her mind and Council Member Hartmann explained what the difference between ancillary use and primary use. Council member Jablonski stepped in and stated the two gas stations in Southwest Ranches bring in about \$12,000.00 worth of revenue each which is less than \$5.00 a person.

The property owner asked the Town Council to please try to expedite the process as quickly as possible because they can't move forward until the item is approved and to please reconsider some of the uses the Town was prohibiting. The property owner's son stepped up and advised a local retailer would like to expand into the Town, but it's hard to be a retailer and not have a repair service as well.

Town Attorney Poliakoff addressed the Town Council and stated he just had a sidebar with Assistant Planner Katims regarding when he can have a draft copy of the ordinance. He stated

the draft ordinance can be ready for the May 28, 2020 Town Council meeting providing there aren't any delays. If there are, the Town Council will be advised. Town Attorney Poliakoff asked if this was acceptable to the Town Council. The Town Council agreed. Council Member Hartmann had a couple of questions for Assistant Planner Katims. He wanted to clarify that to get the actual drafted ordinance, there first had to be zoning changes which was one ordinance and then land-use Comprehensive Plan changes which is another ordinance and he wanted to make sure Assistant Planner Katims was comfortable with 90 days given the amount of work it will take. Assistant Planner Katims advised Council Member Hartmann, the Comprehensive Plan amendment ordinance was basically prepared, and it was just a matter of getting it in front of Town Council for acceptance. As far as the zoning ordinance, Assistant Planner Katims was shooting for the end of May. Town Attorney Poliakoff mentioned, if it cannot be created during the time frame correctly, the Town Council would be notified and request a later date to bring it to them. Council Member Hartmann then asked Assistant Planner Katims, if everything goes as planned, the whole land-use item could be potentially wrapped up by the end of June, which Assistant Planner Katims confirmed. Vice Mayor Schroeder asked if the ordinance will be for both sides of the U.S. 27 corridor and she was advised that it would. Mayor McKay adjourned the meeting.

4. Adjournment – Meeting was adjourned at 7:35 PM.

Respectfully submitted:

Russell Muñiz, Assistant Town Administrator/Town Clerk

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

Doug McKay, Mayor

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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:

Russell Muñiz, Assistant Town Administrator/Town Clerk

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

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.