

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

Thursday 7:00 PM

November 10, 2016

13400 Griffin Road

Present:

Mayor Doug McKay

Vice Mayor Steve Breitreuz

Council Member Freddy Fisikelli

Council Member Gary Jablonski

Council Member Denise Schroeder

Andrew D. Berns, Town Administrator

Russell Muñiz, Assistant Town Administrator/Town Clerk

Martin D. Sherwood, Town Financial Administrator

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 7:09 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

3. Oath of Office

Mayor McKay and Council Member Schroeder were administered the Oath of Office by Town Attorney Keith Poliakoff.

4. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPOINTING COUNCIL MEMBER _____ AS THE NEW VICE MAYOR OF THE TOWN OF SOUTHWEST RANCHES; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPOINT COUNCIL MEMBER BREITKREUZ AS VICE MAYOR AND APPROVE THE RESOLUTION.

5. Presentation

Mr. & Mrs. Southwest Ranches Pageant Award Winners - Kathy Sullivan, SEAB Chair
Kathy Sullivan, Chair of the Schools Education Advisory Board (SEAB), discussed this fundraising event which benefitted the SEAB Scholarship Fund and raised more than \$4,000.

Quasi-Judicial Hearings

6. A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-012-15 TO SUBDIVIDE 9.55 NET ACRES OF PROPERTY INTO TWO LOTS OF 4.18 AND 5.37 NET ACRES; GENERALLY LOCATED ON THE EAST SIDE OF SW 142ND AVENUE, APPROXIMATELY 650 FEET NORTH OF STIRLING ROAD, AND GENERALLY DESCRIBED AS TRACT 19 OF THE EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION OF SECTION 34, TOWNSHIP 50 S., RANGE 40 E.

ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 152 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, SAID LAND NOW LYING AND BEING SITUATED IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA, LESS THE WEST 40 FEET FOR RIGHT-OF-WAY PURPOSES; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Breitzkreuz, seconded by Council Member Fisikelli and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitzkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

7. A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING WAIVER OF PLAT APPLICATION NO. WP-17-16 TO SUBDIVIDE APPROXIMATELY 9.24 NET ACRES OF PROPERTY INTO TWO LOTS OF 4.65 ACRES (LOT A) AND 4.59 ACRES (LOT B); GENERALLY LOCATED ON THE EAST SIDE OF SW 142ND AVENUE (HANCOCK ROAD) APPROXIMATELY 990 FEET NORTH OF STIRLING ROAD, AND DESCRIBED AS TRACT 20 OF "THE EVERGLADES SUGAR & LAND CO SUBDIVISION OF SECTION 34 TOWNSHIP 50 SOUTH, RANGE 40 EAST." ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 152, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, SAID LAND NOW LYING AND BEING SITUATED IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA, LESS THE WEST 40 FEET FOR RIGHT-OF-WAY PURPOSES; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Breitzkreuz, seconded by Council Member Fisikelli and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitzkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

8. Public Comment

The following members of the public addressed the Town Council: Vince Falletta, David Kuczenski, Bob Hartmann, Newell Hollingsworth, John Eastman, and Frank Espinosa.

9. Board Reports

No board reports were presented.

10. Council Member Comments

Council Member Jablonski congratulated Mayor McKay, Council Member Fisikelli and Council Member Schroeder for their election victories and also their challengers for being involved in the

process. He advised that the Ride for the Ranches Car Show would occur on Saturday November 12 at Rolling Oaks Park.

Vice Mayor Breitzkreuz also wished to congratulate Mayor McKay, Council Member Fisikelli and Council Member Schroeder on their election victories.

Council Member Schroeder thanked everyone for their support. She stated her intention to treat everyone with respect and do a good job.

Council Member Fisikelli congratulated Council Member Schroeder on her election victory.

Mayor McKay thanked everyone for their support and congratulated Council Member Fisikelli and Council Member Schroeder on their election victories. He thanked everyone who attended the meeting and invited them to future meetings.

Council Member Jablonski indicated that illegal tree trimming recently occurred in Rolling Oaks was not sanctioned by the Town. He advised that an ongoing police investigation was underway regarding the incident. Mayor McKay was aware of the incident and presented the resident's account of what occurred and he supported the resident's actions. Council Member Jablonski disagreed and felt the resident taking that action could create a liability for the Town.

11. Legal Comments

Town Attorney Poliakoff indicated it was illegal for anyone to damage, alter, or change in any way public property without the express permission of the Town. He congratulated Mayor McKay, Council Member Fisikelli and Council Member Schroeder on their election victories as well as those who participated in the election process. He acknowledged the service of all veterans in the Town in advance of Veterans Day.

Vice Mayor Breitzkreuz asked if Town Attorney Poliakoff could respond to comments made during Public Comments regarding City of Sunrise utilities. Town Attorney Poliakoff advised that the County Attorney's office, the City of Sunrise, and the Florida Department of Health have all opined that there is no ability for an organization to force a homeowner in any community in the State to connect to a water utility that is not located in that municipality. Therefore, there was no way for the City of Sunrise or the City of Pembroke Pines to compel a Southwest Ranches resident to connect to their respective municipal utilities. He believed this issue came up recently with the Broward County Commission when newly elected Commissioner Michael Udine asked that it be placed on a County Commission agenda to clarify whether or not it is legal. He further advised that County Administrator Bertha Henry declined to agendize the item as there was no need to.

12. Administration Comments

Town Administrator Berns congratulated Mayor McKay, Council Member Fisikelli and Council Member Schroeder on their election victories and looked into working with them in the future. He spoke of a recent meeting Mayor McKay had with representatives from Broward County Aviation who were seeking members of the community to serve on a Technical Committee to deal with airport noise, and also on a Communications Committee. He announced that John Eastman has

volunteered to serve on the technical committee with Mark Modrich to serve as an alternate, and Roxanne Culbertson will serve on the Communications Committee. Council supported these appointments. He advised that Town Financial Administrator discovered that the Town's solid waste provider LGL had been inadvertently overcharging commercial customers and LGL was now in the process of refunding those clients. As part of this process, the Town would also need to refund LGL some of the franchise fee collected as part of the erroneous billing. He further advised that as a result of the new composition of the Town Council a new Town photo would need to be taken and he would advise when that was scheduled for. He indicated that there were some issues with church traffic out at 208th avenue. He updated the Town Council on Code Enforcement's efforts to correct these issues as well his efforts in working with Davie Police to improve the issues. Additionally, a meeting has been scheduled with the church to discuss suggested improvements. Vice Mayor Breitkreuz asked if the police detail for the church would be taking a more proactive approach with the traffic issues. Town Administrator Berns indicated that was being worked on. He also advised that the Town had received the balance of proceeds to complete the sale of Engine 82 from the Volunteer Fire Department, and advised that the vehicle had been picked up by the buyer. He spoke of the Town's efforts with a new RFP for solid waste services. He indicated that a charrette would be held to seek resident input and vendor input on the crafting of the new RFP. Lastly, he recounted his recollection of events regarding the resident's request to trim the branches in Rolling Oaks. He indicated that he declined the resident's offer as he was concerned about the potential liability it would create for the Town.

Ordinance - 1st Reading

13. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN UPDATE TO THE TEN-YEAR WATER SUPPLY FACILITIES PLAN ("WSFP") AND ADOPTING AN IMPLEMENTING AMENDMENT TO THE GOALS, OBJECTIVES AND POLICIES OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL OF THE WSFP UPDATE AND COMPREHENSIVE PLAN AMENDMENT TO REVIEWING AGENCIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Breitkreuz, seconded by Council Member Fisikelli and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

Resolutions

14. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA TRANSMITTING ITS FINDINGS PERTAINING TO THE EVALUATION AND APPRAISAL OF THE COMPREHENSIVE PLAN TO THE STATE LAND PLANNING AGENCY PURSUANT TO SECTION 163.3191, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Vice Mayor McKay, seconded by Council Member Fisikelli and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

15. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, DECLARING ZONING IN PROGRESS; DIRECTING TOWN STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS AND PROHIBITING THE ISSUANCE OF BUILDING PERMITS, DEVELOPMENT ORDERS, OR LOCAL BUSINESS TAX RECEIPTS FOR WIRELESS SERVICE FACILITIES AND PERSONAL WIRELESS SERVICE FACILITIES AS DEFINED IN SECTION 365.172 F.S. AND 47 U.S.C. §332(c)(7)(C)(ii) WITHIN THE TOWN'S RIGHTS-OF-WAY; AUTHORIZING AND DIRECTING TOWN STAFF TO UNDERTAKE THE STUDY AND REVIEW OF THE TOWN'S REGULATIONS REGARDING SAME; PROVIDING THAT UPON THE ADOPTION OF THIS RESOLUTION THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS SHALL BE DEFERRED AND NO PERMITS OR DEVELOPMENT ORDERS SHALL BE ISSUED UNTIL AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE TOWN COUNCIL OR UNTIL THE PASSAGE OF 180 DAYS FROM THE DATE OF THIS RESOLUTION, WHICHEVER OCCURS FIRST; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Breitzkreuz, seconded by Council Member Fisikelli and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitzkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION SUBJECT TO REMOVING "LOCAL BUSINESS TAX RECEIPTS" FROM THE RESOLUTION TITLE.

16. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PROJECT FUND AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THREE HUNDRED THOUSAND DOLLARS (\$300,000) TO COMPLETE THE GUARDRAIL IMPROVEMENTS ALONG STIRLING ROAD; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski, seconded by Vice Mayor Breitzkreuz and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitzkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

17. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A YEAR END BUDGET ADJUSTMENT FOR THE FISCAL YEAR 2015/2016 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Breitzkreuz, seconded by Council Member Fisikelli and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitzkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

18. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE PURCHASE OF GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE AND TRAINING FROM ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI); AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE THE PURCHASE ORDER IN THE AMOUNT OF SIXTEEN THOUSAND SIX HUNDRED FORTY DOLLARS (\$16,640); AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Breitkreuz, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

Discussion

19. SW 188th Avenue/Griffin Road 345 HOA Traffic Discussion

Town Administrator Berns summarized previous Town Council discussions regarding the traffic conditions in this area. He advised that a six-month window had been devised to allow for a permanent solution to be developed. As part of that process previous Council direction was to place closures at SW 54th and SW 57th Streets and leaving the new opening at the north end of 190th Avenue closed. This would leave the only access to the Griffin 345 Property Owners Association (Griffin 345) area through SW 63rd Street. The Town was also to enlist the services of a traffic planner to help determine the most viable solutions for Town Council consideration. At the last meeting on October 27th it was decided to hold off on the closures for SW 54th and SW 57th Streets as it was discovered that a resident with medical needs could be adversely affected by the closure of those streets. He advised that a Special Meeting of the Town Council would be held on November 16, 2016 with Tom Hall, Traffic Planner, to discuss his options.

Mayor McKay advised that he met with Mr. Hall and with many residents regarding this issue. He advised that even when a permanent solution is decided upon, it would take several weeks to take effect as public safety, the post office, and the school board would need to be notified. He advised the public in attendance that a final decision on a permanent solution would take place at the Special Meeting after all options had been presented by the Traffic Planner. He advised that while he welcomed public input it would be premature for the Town Council to make a decision without the input from Mr. Hall.

Vice Mayor Breitkreuz agreed that the permanent solution would be decided at the Special Meeting, but welcomed the public input. However, he indicated that he was willing to discuss a short term solution at this meeting if needed.

Mayor McKay indicated that he welcomed any input, but from what he had seen thus far all long term options contemplate the closure of SW 54th and SW 57th Streets. Vice Mayor Breitkreuz

agreed. He asked that once a final decision is made that signs be erected to advise the community when the changes would take effect.

Council Member Jablonski felt it was premature to state that SW 57th and SW 54th Street would be closed in any of the permanent scenarios. He wanted the Traffic Planner to present his options before this commitment could be made.

Responding to public comments Council Member Jablonski indicated that the Town could not dedicate any land to a private entity to place a gate on 190th Avenue north of 49th Street. Town Attorney Poliakoff agreed. He explained that 190th Avenue was a platted roadway and it was virtually impossible to dedicate public property for a private purpose. Council Member Breitzkreuz, responding to a public comment, clarified that the Town could close off access via a permanent barrier, but was prohibited from placing a gate on a public road to restrict access to a select group. Town Attorney Poliakoff expanded that court decisions have supported this position. He suggested an alternative currently employed by the Town of Golden Beach in which a gate could be placed at the north end of 190th Avenue so long as it automatically opened for anyone. It would delay opening for a moment to allow for a camera to take a picture of the vehicle.

Town Attorney Poliakoff clarified earlier comments that he made concerning the gate at the north end of 190th Avenue. He advised that if the residents desired a gate with "clickers" it would have to be placed on private property. The residents of the adjoining property could give an easement to Griffin 345 to allow the gate to be placed on their property, that would be legal because it would not impact the Town in any way.

Mayor McKay reiterated that the final decision will be made after input from Traffic Planner Tom Hall at the Special Meeting on November 16th.

20. Approval of Minutes

- a. September 13, 2016 Workshop Meeting
- b. September 14, 2016 First Budget Hearing
- c. September 29, 2016 Second Budget Hearing

The following motion was made by Vice Mayor Breitzkreuz, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, Schroeder, Vice Mayor Breitzkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE MINUTES.

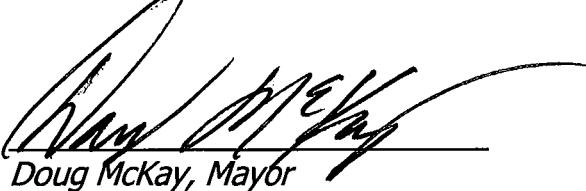
21. Adjournment – Meeting was adjourned at 9:04 p.m.

Respectfully submitted:



Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

*Adopted by the Town Council on
this 26th day of January, 2017.*



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.