

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

April 27, 2017

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew D. Berns, Town Administrator

Vice Mayor Steve Breitzkreuz

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Freddy Fisikelli

Martin D. Sherwood, Town Financial Administrator

Council Member Gary Jablonski

Keith Poliakoff, Town Attorney

Council Member Denise Schroeder

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 7:03 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

3. Public Comment

The following member of the public addressed the Town Council: David Kuczenski.

4. Board Reports

Newell Hollingsworth, Chair of the Comprehensive Planning Advisory Board, was directed by the Board to ask the Town Council to grant the Board review authority of the implementing ordinances pertaining to the U.S. Highway 27 Business Category. Regarding the Town owned five-acre parcel along Griffin Road, the board made two motions. The first requested that the Town not sell the parcel, but if it needed to, the Council should consider a land lease. The second motion requested that a competition grade covered equestrian center be built on the park site and the five-acre parcel be used for parking.

Mary Gay Chaples, Chair of the Recreation, Forestry, and Natural Resources Advisory Board, indicated that her Board wished to table the discussion on what the Board envisioned for the recreational use of the Town owned five-acre property until the May meeting. However, as for any commercial development, the Board did not seem in favor of that. She asked the Board what they would like to see and what they would like not to see on the park site and the five-acre parcel. She felt that her Board was not in favor of a gas station or any commercial development on the five-acre parcel.

Bob Hartmann, Chair of the Drainage Infrastructure Advisory Board, indicated that his Board was in favor of doing something very special like an equestrian center or leave it alone. As such the immediate recommendation was to leave it alone.

5. Council Member Comments

Council Member Schroeder spoke of her recent experience with identity theft. She asked residents to be aware that the Internal Revenue Service (IRS) will not contact you via phone. She indicated that literature was available here at Town Hall to inform residents about identity theft.

She also indicated that she attended the Sunshine Ranches HOA meeting recently and Newell Hollingsworth was the guest speaker on hand to discuss the role of Town advisory boards. She felt his presentation was very informative and indicated that he might be available to speak on this topic at other HOA meetings if requested.

Vice Mayor Breitkreuz spoke about the proliferation of large businesses operating out of private homes in Town. His issue centered around businesses that had employees reporting to the private home, picking up vehicles and then returning at the end of day, and those that generate a tremendous amount of waste based on their operation. He asked that the Town Council support his request of Administration to review this issue and develop some recommendations on how best to handle this issue. The Town Council granted support. He commended Town Financial Administrator Martin Sherwood for making contributions to his professional association on their ethics training requirements. He recognized Town Engineer Rod Ley and his staff for their efforts in completing drainage projects along SW 188th and SW 185th Avenues.

Council Member Jablonski advised that the Schools Education Advisory Board (SEAB) wished to expand from eight to nine members with the addition of Jennifer Montgomery. The Town Council granted the addition. He announced that Broward County Property Appraiser Marty Kiar would be on hand at the Town Council Meeting on May 25, 2017 to discuss homestead exemptions. He also announced that on July 8th the Town would hold the Household Hazardous Waste event at Rolling Oaks Park. He asked that all interested parties submit their photos for the Rural Public Arts Board photo calendar contest. He also advised that the scholarship applications for the SEAB scholarship fund were due by the end of May. Responding to comments made during public comments he was vehemently not in favor of any land swap with the Tom Thumb property. In regards to the task given to the advisory boards concerning the five-acre parcel he felt that a charter change should be considered which would require a unanimous vote of the Town Council to either rent or sell Town owned property or change any current land use to Commercial.

Vice Mayor Breitkreuz offered his support on this issue and suggested that it be strengthened to require a unanimous vote of the Town Council to bring forth a referendum to the voters on these types of land use changes. Town Attorney Poliakoff advised that Florida Law prohibited the unanimous vote to bring the referendum to the voters. However, the Charter could be amended to require a unanimous vote to change the land use or allow a sale or lease of the land. Mayor McKay asked that we move this item to a future meeting as a discussion item. Town Attorney Poliakoff advised that he could draft an ordinance at a future meeting so that it can be discussed on first and second reading. Town Council directed that this ordinance appear on the June 8, 2017 meeting on first reading. Mayor McKay asked when the approved ballot questions would have to be submitted to the Broward County Supervisor of Elections. Assistant Town Administrator/Town Clerk Muñiz indicated June 2018. Mayor McKay felt it was premature to draft the ordinance. He felt this issue warranted further discussion at a future meeting. Council Member Schroeder suggested placing the upcoming discussion in the Town's newsletter to raise the interest of the residents. Vice Mayor Breitkreuz agreed. Town Attorney Poliakoff summarized that the ordinance he would draft would contain two ballot questions to consider as follows: 1) Charter Amendment to require the unanimous vote of the Town Council when seeking to modify a property's land use from Rural or Estate to any other land use category; and 2) Charter

Amendment to require the unanimous vote of the Town Council and a referendum election to sell or enter into a lease agreement greater than 10 years for any properties not specifically acquired for re-sale or lease purposes, and property that was acquired via foreclosure. Town Council granted for the ordinance and for placing in the Town newsletter.

Mayor McKay spoke about 5.5 acres west of U.S. Highway 27 that a developer has under contract near Pop's gun range. The developer would like to construct industrial warehouses. He sought Town Council's support in sending this to the Comprehensive Planning Advisory Board for review. Town Council granted support to send to the Comprehensive Planning Advisory Board for review.

6. Legal Comments

Town Attorney Poliakoff summarized two bills being considered in the Legislature relating to alcohol sales. Based on the provisions in the bills he did not foresee the owners of the Tom Thumb property being interested in a land swap with the Town so he was perplexed as to the origination of the rumors referred to during the Public Comment portion of the meeting. He opined that if approved, the bill would lead to the end of small liquor stores. He provided an update on the CCA v. Pembroke Pines case and advised that the Fourth District Court of Appeals overturned a lower court ruling and found conclusively that Pembroke Pines manifested the intent to provide water and sewer services to CCA. As a result, the case should return to the lower court in which CCA will likely seek a jury trial so that they can recover damages which could result in a very large damages claim. He was hopeful that Pembroke Pines would contact the Town to settle the lawsuit the Town filed against them. Lastly, he advised that the bid for solid waste collection had been opened and Waste Pro submitted the lowest and most responsive bid. He explained that the cost bid was higher than the current rates and would result in higher rates for residents and businesses. He advised that he and staff were working with Waste Pro to seek options to lower the proposed rate increases. One of the options explored was to increase the number of zones from three to six which would save Waste Pro from having to utilize more trucks. Another option being explored concerned the metal containers for automatic collection. Waste Pro is calculating what the savings would be to the Town if the contract is renewed for an additional five-year term which would put the initial start-up costs into context. The final option being discussed concerned the disposal of solid waste. In 2018 the contract for solid waste disposal will expire. The current provider is in litigation with its partner in a joint venture. As a result, neither party may service the Town beyond 2018. Waste Pro has indicated that if the demand existed from enough cities they could potentially perform that service. Therefore, he requested that Waste Pro include the cost to provide solid waste disposal services in their final agreement. Lastly, he advised that he and Town Administrator Berns would be meeting with the Town of Davie in the coming week to finalize the agreement for Fire and Police services. It was his hope to bring this back to the Town Council soon thereafter.

7. Administration Comments

Town Administrator Berns advised that while Applebee's had recently closed they graciously offered their framed pictures of the Town which have been hung in the Council Chambers. He also commended Town Financial Administrator Sherwood for diligence in discovering, and then collecting monies owed to the Town by our contracted solid waste collection vendor, LGL Recycling. He provided a final draft of the presentation on the five acre Town-owned parcel on

Griffin Road and SW 163rd Avenue. He indicated that pending Town Council review and input, the presentation would then be circulated to the Town advisory boards for their review and input.

Resolutions

8. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA APPROVING THE SECOND MODIFICATION TO THE AGREEMENT WITH A.C. SCHULTES OF FLORIDA, INC. D/B/A JAFFER WELL DRILLING; APPROVING AN ADDITIONAL ONE (1) YEAR TERM; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE SECOND MODIFICATION TO THE AGREEMENT; 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.

9. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN AGREEMENT WITH FLORIDA CONSTRUCTION & ENGINEERING, INC. FOR CONSTRUCTION OF YEAR TWO OF THE TRANSPORTATION SURFACE AND DRAINAGE ONGOING REHABILITATION (TSDOR) ROADWAY IMPROVEMENTS PROGRAM FOR SW 130TH AVENUE (MELALEUCA ROAD), SW 127TH AVENUE (APPALOOSA TRAIL), SW 56TH STREET, AND SW 128TH AVENUE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE THE AGREEMENT; 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 SUBJECT TO APPROVING THE BASE BID PLUS ALTERNATE #2, AND NOT COMMENCING THE WORK UNTIL OCTOBER 1, 2017 UTILIZING 2017 & 2018 TSDOR BUDGET FUNDS.

10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PROPOSAL IN THE AMOUNT OF THIRTY THOUSAND, ONE HUNDRED FORTY-SEVEN DOLLARS AND ZERO CENTS (\$30,147.00) FOR PUBLIC RIGHT-OF-WAY TREE PRUNING BY PRESTIGE PROPERTY MAINTENANCE; 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 Breitkreuz, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2007-058, RELATING TO THE TOWN'S HOURLY COMPENSATION RATE SCHEDULE FOR SPECIAL MAGISTRATE SERVICES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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 RESOLUTION.

12. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE PURCHASE AND INSTALLATION OF PLAYGROUND SAFETY SURFACING MATERIAL FOR THE SUNSHINE RANCHES EQUESTRIAN AND COUNTRY ESTATES FISHING HOLE PARKS FROM A & A PLAYGROUNDS FOR AN AMOUNT NOT TO EXCEED TWENTY ONE THOUSAND DOLLARS AND ZERO CENTS (\$21,000.00); AND PROVIDING AN EFFECTIVE DATE.

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 RESOLUTION.

13. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN AGREEMENT IN THE AMOUNT OF ONE HUNDRED FORTY-THREE THOUSAND ONE HUNDRED SEVENTY DOLLARS AND TWENTY-FIVE CENTS (\$143,170.25) WITH WEEKLEY ASPHALT PAVING, INC. TO COMPLETE THE COUNTRY ESTATES PARK BALLFIELD IMPROVEMENTS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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 RESOLUTION.

14. Approval of Minutes

- a. March 9, 2017 Regular Meeting

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.

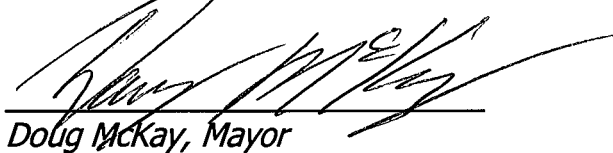
15. Adjournment – Meeting was adjourned at 8:39 p.m.

Respectfully submitted:



Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

*Adopted by the Town Council on
this 8th day of June, 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.