

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

May 11, 2017

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew D. Berns, Town Administrator

Vice Mayor Steve Breitreuz

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Freddy Fisikelli

Martin D. Sherwood, Town Financial Administrator

Council Member Gary Jablonski

Richard DeWitt, Assistant 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 7:01 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

3. Public Comment

The following members of the public addressed the Town Council: Mary Gay Chaples, Jennifer Dachton, Deb Mantel, and Terri Shure.

4. Board Reports

Mary Gay Chaples, member of the Southwest Ranches Historical Society, indicated that the Society met to discuss the town owned five-acre property along Griffin Road. She relayed that the Board favored building a covered equestrian performance arena as recommended by the Comprehensive Planning Advisory Board and using the five acres as stabilized parking for events held at the arena.

5. Council Member Comments

Council Member Jablonski advised that on June 24th the Town would be hosting Amateur Ham Radio operators at the Sunshine Ranches Equestrian Park who will perform a demonstration. He announced that the Southwest Ranches Parks Foundation would be hosting A History of Rum at the Rolling Oaks Barn. On August 12th Bingo at the Barn will be held at the Rolling Oaks Barn.

Council Member Schroeder advised that Terry Ramirez wished to be appointed to the Rural Public Arts and Design Advisory Board. Town Council appointed Mrs. Ramirez. Council Member Schroeder spoke about the passing of Joann Hagen and asked for a moment of silence in her honor.

Vice Mayor Breitreuz, responding to public comments, felt that the Town needed to address the issue of flooding on existing properties when newer homes are developed. Mayor McKay felt that the Central Broward and South Broward Drainage Districts needed to be part of the discussion. Vice Mayor Breitreuz felt that a workshop with these entities as well as Code, and Engineering and the community would be beneficial. Town Administrator Berns estimated that it could take

approximately 30-60 days to put this together in order to coordinate the schedules of the outside entities.

Council Member Fisikelli spoke regarding the Town owned five acres. He was not in favor of selling the parcel. He believed it was the Town Council's responsibility to preserve all of the Town's property.

Mayor McKay reminded everyone to contact him if they have any issues they would like his assistance with. Regarding the Town's Code Enforcement, he believed it was not a cure all for all circumstances. He felt that residents sometimes misused the Town's Code Enforcement contracted vendor in disputes with their neighbors. He felt that at times Code Enforcement should advise the parties that the issue is a civil matter to be resolved by the courts. However, if Code receives a complaint they have an obligation to respond to it. The solution can often take 90-120 days and sometimes longer. He further advised the Town's Code Enforcement is intended to be reactive with only three areas needing proactive enforcement but he believed that the list of proactive items may need to increase. Council Member Schroeder reminded everyone that the items Code Enforcement proactively enforces are based on Town Council direction not arbitrary.

6. Legal Comments

Assistant Town Attorney Dewitt offered no comments at this time.

7. Administration Comments

Town Administrator Berns offered no comments at this time.

Resolutions

8. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE 2017 AMENDMENTS TO THE THREE (3) INTERLOCAL AGREEMENTS WITH BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX, THE BROWARD COUNTY FIFTH-CENT LOCAL OPTION GAS TAX, AND THE ADDITIONAL LOCAL OPTION GAS TAX; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski, 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 Breitreuz, 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 A TWO (2) YEAR SERVICE AGREEMENT WITH CLEANING SYSTEMS, INC. (CSI) TO PROVIDE JANITORIAL SERVICES AT TOWN HALL; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE AGREEMENT; 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.

10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AUTHORIZING THE RELEASE OF CORECIVIC, INC F/K/A CORRECTIONS CORPORATION OF AMERICA, INC FROM THAT CERTAIN LETTER OF CREDIT RELATING TO THE CONSTRUCTION OF THE SOUTHWEST 202nd AVENUE IMPROVEMENTS, NOW THAT THE TOWN IS THE OWNER OF THE PROPERTY, AND FURTHER PROVIDING THAT THE FUTURE CONSTRUCTION OF IMPROVEMENTS SHALL BE PERFORMED IN ACCORDANCE WITH THOSE STANDARDS OF THE BROWARD COUNTY HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION; 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.

Discussion

11. Residential Commercial Businesses

Vice Mayor Breitzkreuz wished to discuss this topic as he had received many complaints from residents about this issue. He sought to clarify that the complaints were not geared towards smaller businesses operating from within their homes such as Accountants. The issue was with larger commercial establishments operating within Town. He explained that typically, commercial establishments are taxed for the impacts they have on the surrounding community. In Town, there are many commercial businesses that operate out of residences that have numerous vehicles, many employees picking up vehicles in the morning and then returning in the evening. There are also large commercial businesses which bring materials in to manufacture products and the byproducts are then set out for collection as residential solid waste. This unfairly impacts the rate charged to residential customers for solid waste collection. He felt this should be discarded in a commercial collection unit, not residential. He believed that the operation of these businesses in residential areas threatened the rural lifestyle enjoyed by residents.

Robert Solera, Community Services Director, thanked the Town Council for the opportunity to speak about the code enforcement function. He expressed the philosophy of the Code Enforcement department is to educate rather than to enforce. This philosophy is based on Town Council direction to reactively address code enforcement complaints rather than proactively for most issues. He echoed the comments made earlier by Mayor McKay, when called Code Enforcement was compelled to respond. He indicated that the Code Enforcement Department tried to work with all parties involved to garner compliance without imposing fines. He spoke about Article 45 of the Town's Code of Ordinances which specified what are Agricultural Districts. Within these districts, Agricultural exemptions granted by the County allowed property owners

more leeway. He felt that perhaps the leeway created some of the issues currently present. He suggested that one way to address the problems being experienced was to issue Certificates of Use on an annual basis as opposed to the current practice which provides no end date.

Council Member Jablonski felt that the impacts are being felt due to the actions of a "few bad apples." He spoke of a recent incident in which a large fire occurred at a property that was performing air conditioning repairs. He felt that Code should address the "clear violators." He was not in favor of any new regulations or any additional licensing requirements. However, the "clear violators" were generally non-agricultural uses and those should be the ones to be addressed by Code Enforcement.

Council Member Schroeder cautioned the Town Council about selective enforcement. She felt that the Town couldn't treat some people differently than others, so the Council needed to be careful what regulations, if any would be implemented.

Vice Mayor Breitzkreuz thanked the residents that attended for their input. From what he understood from the residents and the information provided it did not appear that any new regulations were needed. Instead he believed that the regulations were already in place, but they needed to be enforced. He felt it was imperative to find the right balance so that the Town could address the most egregious violators. He hoped that this discussion provided sufficient direction to Administration on how to address these issues in the future. He also commended the job being done by the Code Enforcement Department.

Town Administrator Berns was appreciative of the policy discussion facilitated by Council on this issue. He felt that he had received sufficient direction on what the issues were, and would be meeting with staff to develop an appropriate course of action moving forward. He felt that the challenge was to figure out how best to allow residents to be left alone when they are having a negative impact on their neighbors. After meeting with staff, he intended to bring forth some suggestions for Council to consider further and then set future policy.

Approval of Minutes

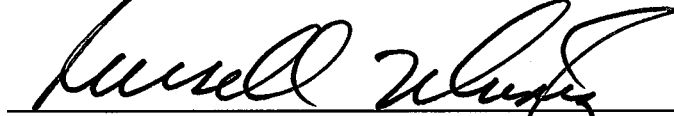
- a. March 23, 2017 Regular Meeting

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.

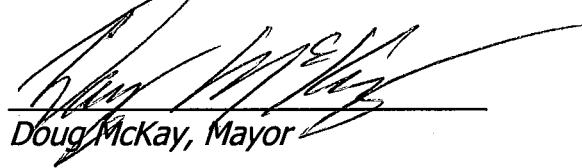
12. Adjournment – Meeting was adjourned at 8:32 p.m.

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.