

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

Thursday 7:00 PM

June 8, 2017

13400 Griffin Road

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Present:

Mayor Doug McKay

Vice Mayor Steve Breitkreuz

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 7:00 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

The following motion was made by Vice Mayor Breitkreuz, 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 MOVE ITEM 10 TO THE BEGINNING OF THE MEETING.

Resolutions

**10.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND THE TOWN OF DAVIE FOR THE DELIVERY OF PUBLIC SAFETY SERVICES, INCLUDING EMERGENCY MEDICAL, FIRE PROTECTION, FIRE & LIFE SAFETY, AND POLICE SERVICE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

The following motion was made by Vice Mayor Breitkreuz, 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.

**3. SEAB Scholarship Award Winners - Kathy Sullivan, Chair**

**4. Public Comment**

The following members of the public addressed the Town Council: Mary Gay Chaples, David Kuczenski, and Bob Hartmann.

## **5. Board Reports**

Mary Gay Chaples, Chair of the Recreation, Forestry, and Natural Resources Advisory Board requested that the Town Council ask Weekly Asphalt Paving to clear the last acre at the Country Estates Park since they had equipment on scene as part of the ballfields improvement. The Town Council directed Town Administrator Berns to contact Weekly and ask for a price to complete this task.

Bob Hartmann, Chair of the Drainage Infrastructure Advisory Board (DIAB), spoke of the recent rains and commented on the conditions after the rains on SW 185 and SW 186th Avenues. He felt that projects have made an impact as the roadways drained as intended. He asked that the Town continue to make drainage projects a funding priority in future budget cycles.

## **6. Council Member Comments**

Council Member Jablonski indicated that Summer Solstice at the Sunshine Ranches Equestrian Park would be held on June 21<sup>st</sup>. On June 24<sup>th</sup> a Ham Radio demonstration would also be held at the Park. At Rolling Oaks Park on June 24<sup>th</sup> the History of Rum event would be held at 6 pm which will explain the history of rum in the Caribbean. He advised that the Household Hazardous Waste event would be held on July 8<sup>th</sup> from 8 am to 2 pm. He announced that the deadline for submission of photos for the Town's photo contest was July 15<sup>th</sup>. He also advised that a new event, Bingo at the Barn, would be held on the 12<sup>th</sup> of August. He thanked Assistant Town Administrator/Town Clerk Muñiz for developing the Town's official YouTube Channel, as well as Twitter account.

Vice Mayor Breitreuz advised that the Town was approved for \$340,000 in the recently adopted State Budget for drainage projects. He believed these projects would benefit the entire Town. He recognized the efforts of Southern Strategies Group, the Town's legislative lobbyist, for their efforts in getting requested Town projects funded. Lastly, he spoke about the DIAB meeting held the night before. They discussed gaps in our permit process that may allow structures that were originally proposed, not be erected as originally intended. Various options were discussed including a drainage final inspection, and stamps on the plans that would state that the Town could go back 3-5 years to ensure that drainage improvements were completed. Mayor McKay suggested that any changes on the plans noted by CAP should require an additional review by the Town Engineer. Mayor McKay also noted that the removal of invasive trees is another area of concern. He requested that Town Administrator Berns and Assistant Town Administrator/Town Clerk Muñiz look into these issues further. Lastly, Vice Mayor Breitreuz spoke about the removal of Newell Hollingsworth as the Chair of the Comprehensive Planning Advisory Board. He did not feel it was just. He felt that no one else in the Town could adequately fill that role and therefore reappointed him.

Mayor McKay asked Town Administrator Berns to place the removal of Newell Hollingsworth as Chair of the Comprehensive Planning Advisory Board back on the next agenda. He asked Town Attorney Poliakoff if the Town Council had the authority to remove a board member as chair of an advisory board. Town Attorney Poliakoff indicated that if there was majority support to do so then it could be done.

Mayor McKay requested that a resolution be brought forward at a future meeting that would amend the procedure for appointing members of the Town's advisory boards back to the way it once was which would require the approval of all board appointments by an affirmative vote of the Town Council. He also asked that a resolution be brought forward that would allow the Town Council to remove a chair of an advisory board.

Council Member Jablonski made a motion to allow the appointment of Newell Hollingsworth to the Comprehensive Planning Advisory Board, but not as Chair. As no second was received he withdrew his motion.

Town Attorney Poliakoff believed a majority of the Town Council wanted to retain their ability to appoint their own board members. To balance what was requested, he suggested that the boards select their chair and operate under rules of decorum. However, a resolution could be crafted that should a chair violate those rules of decorum, the Council will retain their ability to remove the chair for the remainder of that term by a majority vote of the Town Council. Vice Mayor Breitzkreuz asked that this resolution appear at the next meeting. Town Attorney Poliakoff summarized that at the next meeting two resolutions would appear. The first resolution would deal with the appointment and removal of advisory board members, and the second would allow the Council to remove a board chair.

## **7. Legal Comments**

Town Attorney Poliakoff provided an update on the recent deposition of Town Administrator Berns in the CCA v. Pines case. He advised that the new agreement for Solid Waste and Bulk collection with Waste Pro was completed and would appear at the June 22<sup>nd</sup> meeting. He also advised that the Fire and Police agreement with Davie approved at this meeting would provide cost stability for potentially the next 10 years.

## **8. Administration Comments**

Town Administrator Berns thanked Town Attorney Poliakoff and staff for their efforts relative to the solid waste contract with Waste Pro and the Fire and Police contract with the Town of Davie. He spoke of his deposition. He advised that the Town would be receiving \$340,000 from the State for drainage projects. He thanked the Town's lobbyist Southern Strategies Group. He commended Assistant Town Administrator/Town Clerk Muñiz for creating the YouTube Channel and Twitter account. He further advised that the Town would be establishing a Facebook page in the near future. Council Member Jablonski asked that the Town use Rapid Notify sparingly and only during business hours when not an emergency. Mayor McKay asked about provisions in the waste contract to address the leakage of hydraulic fluid. Town Administrator Berns and Town Attorney Poliakoff indicated that the proposed contract addresses those issues and there were substantial penalties for non-compliance.

## Ordinance - 1st Reading

**9.** AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE TOWN'S CHARTER; PROPOSING TO AMEND ARTICLE IV "LEGISLATIVE", BY ADDING SECTION 4.10 ENTITLED "LONG TERM LEASE OR SALE OF PROPERTY OWNED BY THE TOWN" TO PLACE RESTRICTIONS ON THE SALE OR LONG TERM LEASE OF PROPERTY OWNED BY THE TOWN, EXCLUDING RIGHTS-OF-WAY, PROPERTY LESS THAN THE MINIMUM LOT SIZE REQUIREMENT, PROPERTY THAT WAS ACQUIRED THROUGH FORECLOSURE, AND PROPERTY, NOT LOCATED WITHIN OR ADJACENT TO A TOWN PARK, THAT WAS SPECIFICALLY ACQUIRED FOR RE-SALE OR LEASE PURPOSES; PROPOSING TO AMEND ARTICLE V "QUASI-JUDICIAL", BY AMENDING SECTION 5.01 TO REQUIRE THE UNANIMOUS VOTE OF THE ENTIRE COUNCIL FOR ALL LAND USE AND QUASI-JUDICIAL ITEMS; DIRECTING THE TOWN CLERK TO PROVIDE FOR A NOTICE OF ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED VOTERS OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AT THE ELECTION OF NOVEMBER 6, 2018; ENACTING A ZONING IN PROGRESS FOR THE TOWN COUNCIL TO ACT IN ACCORDANCE WITH THESE BALLOT MEASURES UNTIL THEY ARE VOTED UPON BY THE ELECTORATE; PROVIDING THAT SUCH REFERENDUM, IF ADOPTED, SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski, seconded by Vice Mayor Breitkreuz 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 PLACE ON THE BALLOT THAT IT REQUIRES 5 AFFIRMATIVE VOTES PLUS 50% + 1 REFERENDUM BY THE VOTING PUBLIC FOR SALE OR LEASE ON PROPERTY NOT ALREADY DESIGNATED AS AN EXEMPTION.

The following motion was made by Vice Mayor Breitkreuz, seconded by Council Member Jablonski and passed by 3-2 roll call vote. The vote was as follows: Council Members Fisikelli, Jablonski, and Vice Mayor Breitkreuz voting Yes, Council Member Schroeder, and Mayor McKay voting No.

**MOTION:** TO NOT ALLOW LAND USE CHANGES AND QUASI JUDICIAL ITEMS WITHOUT THE AFFIRMATIVE VOTE OF THE FIVE MEMBERS OF THE TOWN COUNCIL.

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 ORDINANCE INCLUSIVE OF AMENDMENTS.

- 11. Approval of Minutes**
  - a. April 27, 2017 Regular Meeting
  - b. May 11, 2017 Regular Meeting
  - c. May 25, 2017 Regular Meeting

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 MINUTES.

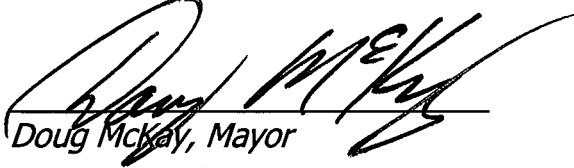
- 12. Adjournment** – Meeting was adjourned at 9:30 p.m.

*Respectfully submitted:*



*Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk*

*Adopted by the Town Council on  
this 13th day of July, 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.