

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

Thursday 7:00 PM

August 8, 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

Richard De Witt, Deputy 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 Council Member Hartmann and seconded by Vice Mayor Jablonski and passed by a 3-0 roll call vote. The vote was as follows: Council Members Hartmann, Vice Mayor Jablonski, and Mayor McKay voting Yes.

**MOTION: TO APPROVE COUNCIL MEMBERS SCHROEDER AND FISIKELLI'S ABSENCE**

**3. Southwest Ranches Historical Society Presentation to Southwest Ranches Pioneers**

Assistant Town Administrator/Town Clerk Muñiz read out the names of the pioneers selected by Town Council: Ken Cimetta, Aster Knight, Don Maines, Michelle Gleissner, Juanita Romance. They were presented with a plaque, and each of the Council Members spoke a few words about the pioneer each one chose. All of the pioneers also spoke a few words. The Town Council took photos with the pioneers. Juanita Romance was not present.

Town Administrator Berns spoke about recent comments made by residents concerning Fire Assessment Fees and Barns. He outlined the issue before listening to residents' concerns in an effort to make sure everyone was working from the same information. He assured that the Fire Assessment Fees in question only applied to commercial agricultural operations, and those who had agricultural designation on their property. Residents who own a barn with no commercial business, are exempt from this assessment.

He explained that there was a Fire Study in 2011 which was completed, adopted, and included five categories; commercial, residential, industrial/warehouse, institutional, and vacant agricultural. Under the study criteria, commercial agricultural businesses were considered to be commercial property, and there was no category for commercial agricultural. This issue about fire assessment fees and barns arose because last year the Town was sued by the owner of one of the larger stables in Town who received a very substantial fire assessment fee, because they were classified as commercial.

As a result of that litigation, and to make certain that the Town assessed the Town properties properly, Town Administrator Berns requested a meeting with staff members from the Broward County Property Appraiser's office (BCPA). The meeting took place several months ago at Town Hall in which changes in the State Statute were discussed, and what was considered a pole barn which would be exempt under the Statute. In order to assess properties fairly and equitably, the BCPA's office was asked to help the Town define and inspect properties. Although BCPA wanted very much to assist, they wanted the Town to determine what was considered a pole barn, and what wasn't.

Town Staff deferred, as they did not have the expertise, authority to inspect, or assess the value of a structure. Although the Broward County Property Appraiser's office wanted to help the Town, no direction was ever established during that meeting. As a result, the path forward was not established or agreed upon. The Town was never made aware that changes came forward this year, and that inspections were underway. Mr. Berns opined that an update during the year would have given the Town the opportunity to address the issue. The Town did not receive an update and/or a report at the end of the inspections that took place this year.

As a result, re-classification of these properties were made while the Town was finalizing the Millage and Budget, Fire Assessment, and Solid Waste Assessment for the coming fiscal year. Town Staff rushed a letter to make sure that impacted property owners had at least some notice prior to the Trim Notices that arrived in the mail. Although Town Staff were not under any legal obligation to send these notices, they felt it was the responsible thing to do.

Town Administrator Berns opined that the Town has had a very good relationship with Marty Kiar and the BCPA Staff. He felt that this relationship will continue in the future, and thanked members of the BCPA Staff who were present. He believed that because of a lack in communication with BCPA and not having prior knowledge, this issue could have been addressed in a variety of ways.

In addition, Mr. Berns heard from residents and their families who have been impacted by this issue. He understood their concerns, and believed many valid points had been raised. Even though the BCPA made it clear that Fire Assessments were the Town's pervue, residents have an option to pursue with BCPA. He reminded that per Florida Statute, pole barns are exempt, and so are structures under \$10,000.00 in value. He advised that any resident who has a pole barn or have been incorrectly assessed, may contest the findings with the Value Adjustment Board (VAB). The deadline is September 18, 2019. The Town will respect the decisions from the VAB.

Finally, he announced that the Town's Public Hearing on the Fire Assessment meeting will be held on September 12, 2019 at 6:00 p.m. in Town Hall Chambers. He stated that the Town dealt with the unexpected consequences of the 2011 study, and stressed that a rushed reaction was not the answer, and that the Town in the future would like to avoid creating additional problems and liabilities. Staff is currently reviewing what options may be available to the Town Council, and will present them after a thorough review is complete.

#### **4. Public Comment**

The following members of the public addressed the Town Council: Mary Gay Chaples, Kathy Cox, Fred Cox, David Kuczenski, Jennifer Dachtou, Brian Schick, Dawn (no last name given), Jim Laskey, and Marianne Allen.

#### **5. Board Reports**

Mary Gay Chaples, Chair of the Parks Board announced that there is meeting August 13th at 6:30 p.m. Country Estates invited everyone from that area to brainstorm for a creative entrance way for the park. Also, she advised for Town volunteers to become members of the Parks, Recreation & Open Space Manager (RPAB), or Drainage & Infrastructure Advisory Board because the Town needs more hard-working volunteers.

#### **6. Council Member Comments**

Council Member Hartmann responded that he wished that Council Member Fisikelli would have been present at the meeting because he had always been protective and supportive of the Town's agricultural interest. He commented that he has spent many days speaking to residents who are really concerned about the Fire Assessment Fees, and he assured them that he would do everything possible to help, and that this was the one of the reasons he became part of the Town Council.

Mayor McKay reminded everyone that he has been dealing with this issue for a couple of years, and that the Town Council will do what it can quickly, and he plans to have more answers by the next meeting when the full Town Council is present. Mayor McKay reassured that he will continue to stay on this issue to fix it, and work on it until there is a solution as soon as possible.

Vice Mayor Jablonski announced the Town's upcoming events such as the Rural Public Arts Board Contest Photos are due by August 15<sup>th</sup>. He also advised that the Broward County Property Appraiser's Office will be in Town on August 19<sup>th</sup>, the DMV Flow Mobile on August 22<sup>nd</sup>, the Hawkes Bluff Food Truck on August 23<sup>rd</sup>, and the Parks Foundation's Bingo at the Barn on August 24<sup>th</sup>. Also, he reminded that Town Hall will be closed on September 2<sup>nd</sup> in observance of Labor Day, and the Household Hazardous Waste & Prescription Drug Drop Off event is on September 14<sup>th</sup>.

#### **7. Legal Comments**

Deputy Town Attorney Richard De Witt offered no comments.

#### **8. Administration Comments**

Town Administrator Berns announced that the Town won the Emerald Award from Broward County for the Drainage Project on Calusa Corners. He pointed to the award displayed on the table.

**9. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF SOUTHWEST RANCHES AND BROWARD COUNTY REGARDING A COLLABORATIVE STUDY AND**

SUBSEQUENT DEVELOPMENT OF AN INTERGRATED SOLID WASTE AND RECYCLING SYSTEM; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Jablonski and seconded by Council Member Hartmann, and passed by a 3-0 roll call vote. The vote was as follows: Council Members Hartmann, Vice Mayor Jablonski, and Mayor McKay voting Yes.

**MOTION: TO APPROVE THE RESOLUTION**

**10. Proposed Council Meeting Decorum Policy**

Town Administrator Berns explained the decorum policy has been a work in progress, and he hoped that it captured what the Council was looking for. He wanted to get some direction whether the Council wanted to make any changes before adopting a resolution. Assistant Town Administrator/Town Clerk Muniz added that he wanted to make sure that Council understood that the decorum policy needs to be adopted formally through a resolution so it will come back at a future meeting.

**11. Approval of Minutes**

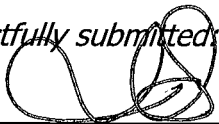
- a. June 13, 2019 – Regular Minutes
- b. June 27, 2019 – Regular Minutes

The following motion was made by Vice Mayor Jablonski, and seconded by Council Member Hartmann, and passed by a 3-0 roll call vote. The vote was as follows: Council Members Hartmann, Vice Mayor Jablonski, and Mayor McKay voting Yes.

**MOTION: TO APPROVE THE MINUTES**

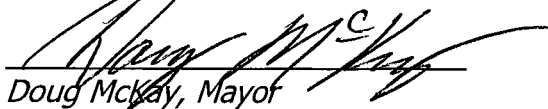
**12. Adjournment**-Meeting was adjourned at 8:25 PM.

*Respectfully submitted,*



*Ivette Solera, Deputy Town Clerk*

*Adopted by the Town Council on  
this day of November 21, 2019.*



*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.