

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

Thursday 7:00 PM

January 9, 2020

13400 Griffin Road

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Present:

Mayor Doug McKay

Andrew Berns, Town Administrator

Vice Mayor Denise Schroeder

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Delsa Amundson

Martin D. Sherwood, Town Financial Administrator

Council Member Bob Hartmann

Keith Poliakoff, Town Attorney

Council Member Gary Jablonski

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 members of the public addressed the Town Council: Pavitpaul Makkar, Kathy Cox, Steve Breitreuz, Beth Cohn, David Kuczenski, Jim Laskey and Fred Cox.

### **4. Board Reports**

Steve Breitreuz, Chairman of the Comprehensive Plan Advisory Board, spoke about the Nursery Ordinance and the research he did at the request of the Town Council to get the ordinance in shape. There was no wording regarding horse trailers located within the ordinance, it was never brought up at all. Once the Board had completed, or thought they had completed, their work, they turned it over to Administration to be codified. The Town's legal team and Jeff Katims worked on the Ordinance so it would be codified. When the Ordinance was presented again to the Comp Plan Board, they went through the document item by item. At that time, Jeff Katims, pointed out each item that was different than what the Board had talked about and they talked through them together. When they reached the horse trailer item, Jeff stated this was an item that was brought into the document at the request of Legal. Fred Cox had mentioned earlier that the original wording was 50 feet and now it was reduced to 25 feet. Chair Breitreuz stated the Comprehensive Plan Board was simply doing their job and if they could go back knowing what they know now, they would remove that piece and discard it. It was never their intention to have that item in the document with the reduced footage. The Comprehensive Plan Board was looking at that one item without considering the impact to the Town. Chair Breitreuz and the Board took full responsibility and apologized. He did ask why the horse trailer item was put into the document in the first place.

Mary Gay Chaples, Chair of the Recreation, Forestry, and Natural Resources Board spoke about their lack of a meeting this year. They have not had a quorum due to the size of the Board and the issue has been addressed. She also addressed an issue regarding the securing of Rolling Oaks Park at night. The park is fenced but not secured. She stated a fence needs to be run from where it ends on the east end straight across and connect it to the West end. There is a gate at the Cul-de-sac that can be locked. People are going into the park with their trucks and ATV's especially

when the grass is wet and slick. She is asking the Town to consider the item as the Parks Board do not have the funds.

## **5. Council Member Comments**

Council Member Jablonski spoke of upcoming events in the Town, such as HazMat at the Park at the Rolling Oaks Barn on Saturday January 11<sup>th</sup> which includes shredding of documents and prescription medication drop off. The Love My Pony Fun Horse show was rescheduled for Saturday February 15<sup>th</sup>. He advised that the Flow-Mobile would be held on January 23<sup>rd</sup>, and spoke of the 5K event and Bingo at the Barn on February 29<sup>th</sup>. He also advised Town Hall would be closed for Martin Luther King Day and President's Day.

Council Member Hartmann spoke about the Broward Leader's Water and Climate Academy offered by Broward County. He recently attended the Academy and it taught him a lot about how South Florida Water Management system works and how the Town's system works. He attended because of the Climate module that was added to the Academy. He learned quite a bit about the Coastal Cities and the problems they are having, due to King Tide, full moons and weather. It is being forecasted the sea level could be 2.5 feet higher within the next 15-20 years. The problem the Town faces has to do with septic systems. There are Legislators in Tallahassee pushing to get everybody off septic tanks and onto municipal utility systems, and even though Southwest Ranches has best practices in place, there are challenges. He stated developers upstate are starting to build homes with septic tanks on top of springs and the State is working on getting in front of that issue. It was also mentioned about possible opportunities to receive state grants to replace septic tanks with City sewer systems for communities that show financial need. If the State does end up passing the bill to replace septic systems with city water, this puts Southwest Ranches at risk.

Another item mentioned was lawsuits filed by residents against their municipalities after a disaster has hit, which result in a delay or stoppage of municipal services. For example, if a hurricane hits and municipal services stop, residents start to get concerned, angry and impatient and then they call their attorneys. Council Member Hartmann asked the Comprehensive Plan Board to look at the Comp Plan regarding the services policies. He asked Attorney Poliakoff to add the wording "Best Efforts" into the municipal services policy to protect the Town from potential lawsuits after a natural disaster.

Council Member Hartmann also mentioned the Mr. and Miss Southwest Ranches Pageant. He stated this year's event was by far the most fun. He also spoke about the truck and ATV issues mentioned to him by a resident and asked Town Administrator Berns to speak with Davie Police about it. He also spoke briefly about the airplane patterns flying overhead. He felt that air traffic over the town would only worsen over time.

Council Member Amundson spoke about the septic tank issues raised and did not believe there was a problem with the septic tanks as they are used right now. She believed that if there was a concern, people could always get them inspected. She also indicated that she was looking forward to further discussing the trailer requirement within the proposed nursery ordinance.

Vice Mayor Schroeder expressed her condolences to the Levinson family. She also hoped all the attendees had a wonderful holiday season. She spoke about the trailer issue as well; she does not agree with what was said or done. She felt that residents should be able to "park your trailer wherever you want." What the Comprehensive Plan Board was tasked with had nothing to do with trailers, it had to do with nurseries. Vice Mayor Schroeder made a motion to Sunset the Comprehensive Plan Advisory Board and have all issues come before the Town Council. Mayor McKay seconded the motion. Mayor McKay then opened to floor to Public Comment related to Sunsetting the Comprehensive Plan Board. Members of the audience came forward to speak on the item. Some of the issues brought forward were meetings aren't recorded or videoed, how the minutes are being taken, are the meetings noticed and is the public invited to speak. There were also speakers that spoke in defense of the Comprehensive Plan Board. Council Member Jablonski stated he is not in support of the motion to sunset the Comprehensive Plan Board. Council Member Hartmann was not in support of sunsetting the Comprehensive Plan Board. Mayor McKay spoke in favor of sunsetting the Comprehensive Plan Board and the reason why he seconded the motion made by Council Member Schroeder.

The following motion was made by Council Member Schroeder, seconded by Mayor McKay and failed by 4-1 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder voting No and Mayor McKay voting Yes.

**MOTION:** TO SUNSET THE COMPREHENSIVE PLAN ADVISORY BOARD.

## **6. Legal Comments**

Town Attorney Poliakoff touched a bit on the trailer item. After he reviewed the area mentioning trailers, he spoke with Jeff Katims to have the language moved to another area of the code which would be easier to locate. No language was ever changed by the Town Attorney's office. He also spoke regarding the water/septic systems issue. The language proposed by the County and State Legislation could potentially be harmful to the Town. After back and forth with the County, the Town was able to modify the language to offer some protections. Town Attorney Poliakoff advised that he is working on language that wouldn't force full connectivity for all the properties within Southwest Ranches. Town Administrator Berns added that there are other municipalities that are opposed to this Ordinance as well and the Town is looking to unite with them to strengthen the Town's voice. Council Member Hartmann expressed again the impact the water/septic system issue would have on the Town, especially financially. Town Attorney Poliakoff hoped everyone had a happy holiday.

## **7. Administration Comments**

Town Administrator Berns spoke on three subjects. He stated the Council had tasked him with an assignment regarding the Nursery Ordinance and his findings will be discussed at the January 23, 2020 Town Council Meeting. He recognized there were some residents that had difficulties reading through the Ordinance language. As such he created a synopsis of the Ordinance to clear up the questions the residents and Town Council may have.

The next item Town Administrator Berns spoke on was the special item that was scheduled for the January 23, 2020 Council Meeting regarding the US 27 Corridor. Town Administrator Berns received a call from Ron Bergeron, who is an affected party, and advised that he would be out of

town during the that time and asked if the Town would reschedule the item prior to the February 13, 2020 Meeting. Town Administrator Berns asked for the Town Council's input and what time they would like the Council Meeting to start. The Council discussed the issue and decided the Special Meeting will start at 6:00 P.M. followed by the regular Council Meeting at 7:30 P.M.

The third item Town Administrator Berns discussed was the Landscaping Maintenance Contract and the Town Facilities Contracts as he advised they were out for bid. There was a mandatory Pre-Bid Meeting prior to the Council Meeting earlier in the week, which was very well attended, however the bid packages were sent out a little late and the current contracts are set to expire Mid-February. The Procurement process will not be complete in time and Town Administrator Berns wanted to let the Council know publicly that he reached out to the current vendors, Prestige and Reliance, and they have offered to extend their current contracts under the same terms and pricing that are already in place until such time that procurement process is completed.

Town Administrator Berns asked Town Attorney Poliakoff if he would like to touch on another issue that is coming forward. Town Attorney Poliakoff mentioned a public private partnership was submitted to the Town for review relating to the potential use of the Correction Corporation of America property. Town Administrator Berns, Town Financial Administrator Sherwood and the Town Attorney reviewed the proposal, which was the only one submitted in response to the bid that was advertised. Because this is dealing with the CCA property, Town Administrator Berns and Town Attorney Poliakoff felt there may be interest, especially in Town Council Member Hartmann's district to be notified of such meeting and as a result, the Town Council may determine to do this as a Sole Purpose Meeting that is advertised clearly so that anyone who is interested may want to come to the meeting. Town Administrator Berns believed there would be some advantage to handling this as a Special Meeting. The only hesitancy now is trying to select a date because Legal is in the process of finalizing the contract which then needs to go to the applicant for their consideration to execute the contract and then bring it back before the Town Council, however he doesn't have an exact date right now but he wants to publicly advise the Council that that it is being worked on and they want to make sure there is a sufficient time to promote it and advertise it to the public. Town Attorney Poliakoff then asked the Town Council what type of meeting this item should be. A Special Meeting or a Regular Meeting agenda item. The contract will be completed within one and a half weeks. The Council and Town Administrator Berns discussed time frames and decided to speak on it again at the January 23, 2020 meeting after everyone had a chance to look at their calendars.

### Resolutions

**8.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH DIAMOND EYE STABLES, LLC RELATING TO IT'S 2018 and 2019 FIRE ASSESSMENTS (CACE 18-023257 & CACE 19-019635); AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THE RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Hartmann, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder 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 GPE ENGINEERING & GENERAL CONTRACTOR CORP. IN THE AMOUNT OF ONE MILLION SIXTY-NINE THOUSAND SIX HUNDRED FIFTY-FOUR DOLLARS AND SIXTY CENTS (\$1,069,654.60) FOR CONSTRUCTION OF THE TRANSPORTATION SURFACE AND DRAINAGE ONGOING REHABILITATION (TSDOR) ROADWAY IMPROVEMENTS PROGRAM FOR SW 188<sup>TH</sup> AVENUE AND IT'S SIDE STREETS; APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2019/2020 BUDGET; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION AND FISCAL YEAR 2019/2020 BUDGET AMENDMENT.

**10.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, TRANSFERRING THE TOWN'S CODE COMPLIANCE AND ENFORCEMENT SERVICES & PLANNING, ZONING, PERMITTING AND LAND USE SERVICES TO J.A. MEDINA, LLC.; ENTERING INTO A NEW AGREEMENT WITH J.A. MEDINA, LLC.; WHICH ESTABLISHES THE SCOPE AND COMPENSATION FOR IT'S SERVICES; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

- 11.** Approval of Minutes
- a. October 24, 2019 Regular Meeting

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

**MOTION:** TO APPROVE THE MINUTES.

**12. Adjournment**

Meeting was adjourned at 9:20 p.m.

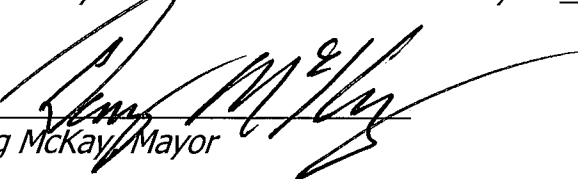
*Respectfully submitted:*



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*Russell Muñiz, Assistant Town Administrator/Town Clerk*

*Adopted by the Town Council on this day of March 12, 2020.*



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*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.