

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

August 26, 2021

13400 Griffin Road

Present:

Mayor Steve Breitkreuz

Andrew Berns, Town Administrator

Vice Mayor Bob Hartmann

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Jim Allbritton

Martin D. Sherwood, Town Financial Administrator

Council Member Gary Jablonski

Keith Poliakoff, Town Attorney

Council Member David S. Kuczenski

Regular Meeting of the Town Council of Southwest Ranches was held 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor Breitkreuz at 7:02 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

The following motion was made by Council Member Jablonski, seconded by Council Member Allbritton and passed by a 5-0 roll call vote. The vote was as follows: Council Members Allbritton, Jablonski, Kuczenski, Vice Mayor Hartmann, and Mayor Breitkreuz voting yes.

MOTION: TO MOVE ITEM 12 OUT OF ORDER AND DISCUSS AT THE BEGINNING OF THE MEETING.

12. Southwest Meadows Sanctuary - Southwest Ranches Parks Foundation

George Morris, representing the Southwest Ranches Parks Foundation, advised that the Foundation wished to hold a Country Fair at the Southwest Meadows Sanctuary Parcel and sought permission to use the site. He indicated that the proceeds from the Fair would be used to help develop the Town's parks. He provided conceptual renderings that depicted what the layout of the Country Fair on that site might look like. He indicated some minimal improvements could be made at the expense of the Foundation in order to ready the site. These improvements would also allow the site to be used for future Town events. He further advised that the Fair's operations would be conducted by Amusements of America which is owned by a Town resident and had him available on the phone should the Town have any questions they wanted answered.

Mayor Breitkreuz expressed his excitement about the prospect of finally utilizing the property for something like this. He asked if there were some projections for expected attendance. Mr. Morris explained that in the first year he would not expect thousands of people but certainly the site had the capacity to hold many people and the event could grow over time. The representative from Amusements of America felt that the expected attendance could be thousands each day depending on promotion, and the weather.

Council Member Jablonski expressed concerns about traffic at the intersection and felt that Davie Police would need to assist with traffic control and perhaps the Southwest Ranches Volunteer Fire Rescue Department (SWRVFR) could assist as well. He also did not want the event to impact Dykes Road negatively.

Vice Mayor Hartmann spoke of his past experience organizing similar events and indicated that the amusement companies generally require a minimum daily such as \$1,000 per day. He questioned if the contract considered minimums when weather was an issue. Mr. Morris indicated that no contract had been negotiated yet. He wanted to seek Council approval first before the contract was negotiated.

Council Member Allbritton asked if fill would need to be brought onto the property. If so he wondered how that would affect the neighbors on SW 163rd Avenue. Mr. Morris indicated that some fill would need to be brought in but mainly just to fill in some low spots. He indicated that he has met with Public Works Director Rod Ley onsite to discuss the event.

Vice Mayor Hartmann asked if Mr. Morris intended to use the fill on the site or was he going to have to maintain the elevation of the lot. Mr. Morris explained that he would be taking some of the high spots and moving them to low spots but will likely need to bring some additional truckloads of fill for areas that are too low.

Council Member Kuczenski asked if entry and egress from the event would be one way in, and one way out. Mr. Morris indicated entry and exit will only be on Griffin Road. Council Member Kuczenski also asked if an emergency were to arise was there emergency access to the site. Mr. Morris indicated that there was additional access off of Dykes Road if needed by first responders.

Town Administrator Berns indicated that he had several conversations with Mr. Morris and Town staff about this proposal. He indicated that while staff is supportive of this effort there were concerns he wished to express. First, based on the aerial rendering he was unsure about the viability of the parking that was proposed to the east since that area was not elevated as the 5 acres are. Secondly, he was concerned with bringing in fill in a quantity that could diminish the drainage storage capacity of the site as it is adjacent to Dykes Road. Lastly, the improvement of the site and utilization for a Country Fair will result in many requests from other organizations to use the site. He felt that a policy would need to be developed to address these requests. Mayor Breitkreuz felt that the Parks Board should begin to develop the policy to address utilization of the site.

Mr. Morris addressed Town Administrator Berns' concern regarding the parking area. He agreed that it is currently wet and marshy. The plan would be to cordon off those areas and send additional parking to the back of the site which would be sufficient. Town Administrator Berns wished to address one other concern raised by Council Member Kuczenski. He indicated that when the plans are brought forward for approval they would be subject to Fire Marshall review.

3. Public Comment

The following members of the public addressed the Town Council: Newell Hollingsworth.

4. Board Reports

No Board Reports were made.

5. Council Member Comments

Council Member Jablonski mentioned the Holiday Light Contest was underway and registrations needed to be submitted by the third of December. He also advised that Water Matters Day would take place on October 16th at Tree Tops Park in Davie. He also spoke about upcoming events, such as the FLOW-Mobile on August 25th, "Hazmat at the Barn" on September 11th, as well as the 9/11 Ceremony at Town Hall being held at 8:30 AM, the Southwest Ranches Photo Contest with a deadline of September 13th. He also advised that another contest was being held to help design the entrance to Country Estates Park with a deadline for submission of November 15th.

Lastly, he wished to discuss the Zoning in Progress for Waiver of Plats. He felt that the Waiver of Plat process as currently in place was being used as a "profit center" and not what it was intended for. He wanted to emphasize that changing the process for the Waiver of Plat was not taking away anyone's property rights because property owners can still go through the platting process with the County. The Waiver of Plat process was intended to benefit Town residents and make it easier for them to split larger parcels for various situations without the burden of the platting process. He gave some representative examples of when the Waiver of Plat process was appropriate. He wished to eliminate the ability for property owners to use this process solely to subdivide and sell off to other private interests for development. He believed that there should be a restriction on the resale of the property such as 36 months. Additionally, to address scenarios where a property owner with a very large piece of property wants to subdivide a smaller piece of the property a restriction should be placed stating that they cannot subdivide the remaining larger property through the Waiver of Plat process. They could always go through the platting process if needed.

Vice Mayor Hartmann asked how this would be codified if there was support to move forward. Town Attorney Poliakoff advised that this could be accomplished by the passage of an ordinance.

Council Member Allbritton asked how long the regular platting process would take. Town Attorney Poliakoff advised the typical platting process takes 9-12 months. Council Member Allbritton felt that the 36 month restriction would not be effective then as the applicants would just go through the County platting process. Town Attorney Poliakoff explained the difference would mainly be the fee. It is much more expensive to go through the County platting process as opposed to the Town's waiver process. Council Member Allbritton felt that even with the suggested change it was not going to stop developers from building. Council Member Jablonski clarified that the intent was not to necessarily stop building, but to stop using the Waiver of Plat process as an economic shortcut by developers.

Town Attorney Poliakoff explained the entire platting application process through the Town and Broward County. Mayor Breitkreuz explained the history of the Waiver of Plat process and explained what it was originally intended to accomplish but it appears that most people are utilizing the process nowadays to make a profit and not pass the property onto their family members.

Council Member Kuczenski supported using the Waiver of Plat process only for keeping the property with the family and not for profit motivated purposes. Council Member Jablonski advised

that after speaking with Town Attorney Poliakoff he felt that if the Waiver of Plat process was being used to move the property line, or an easement or Right-Of-Way he needed some distance requirement. It was determined that 50 feet was an appropriate number. He summarized the scenarios for an allowable Waiver of Plat as such: 1) to fix the lot lines with a maximum of 50 feet; 2) allow the Waiver of Plat to subdivide two lots but the property owner must agree that they will not sell the subdivided lot for 36 months unless the Town Council deems otherwise; and 3) for larger parcels allow the Waiver of Plat to subdivide the a smaller lot with a deed restriction that the larger lot cannot be subdivided any further. Mayor Breitreuz supported options 1 and 3 but did not wish to offer option 2. After further Council discussion the Town Council verbally supported only offer options 1 and 3.

Town Attorney Poliakoff indicated that he and Town Planner Jeff Katims would prepare an ordinance for a future Town Council agenda.

Vice Mayor Hartmann congratulated Nancy and Howie Fink on their 37th Wedding Anniversary. He advised that the 1st Budget Hearing would be held on September 13th and the 2nd Budget Hearing would be held on September 23rd. Both meetings start at 6 pm and are followed by the Town Council Regular Meeting. He advised that there was no millage rate increase proposed, nor was there going to be an increase in the Solid Waste Assessment. He advised that Council Member Jablonski was able to identify some projects that did not need to be budgeted for next year with the savings going towards offsetting the initially proposed increase to the Fire Assessment. As a result, the Fire Assessment was only going to increase 9.7% instead of a 21% increase or approximately \$60 per residential dwelling unit instead of \$135. He also talked about a rash of car break-in thefts and reminded people not to leave their key fobs in their cars which makes it too easy for thieves to gain access and steal the car.

Council Member Kuczenski advised that the Rural Public Arts Design and Advisory Board indicated that they are moving forward with the mural project at Founder's Park. He indicated that the artists, Laura Warren, was seeking any ideas the Town Council may have for the mural. He advised that the Charter Review Committee would be holding their first meeting on September 1st here at Town Hall. He's heard of different options that may be floated to the Committee, one of them being to review the Charter every ten years instead of every 4 years. He gave an update on the state of the COVID pandemic and that he has heard that there may be a shift to charge not vaccinated people the cost of providing their care as opposed to it being paid by the federal government. He also indicated that some large companies like Delta Airlines are going to start charging their employees increased health care premiums to help offset the costs of providing treatment for COVID.

Council Member Allbritton also provided an update on data he received regarding COVID in the State of Florida. He spoke about his attendance at the Broward League of Cities meeting and updated the public about what was discussed. He urged the public to consider getting vaccinated. He thanked Detective Jeff Hobales of Davie Police and the officers working in Southwest Ranches for their increased traffic enforcement efforts.

Mayor Breitzkreuz thanked Davie Police for the vacation watch service they offer. Recently when he was on vacation he utilized this service and received notifications when Davie Police visited his property. He also spoke about the upcoming September 11th 20th Anniversary Commemoration Ceremony. He felt while this would be a somber remembrance it was necessary to remember the lives lost and the sacrifices made that day. He recognized that many people going off to college this year were not even born when this event occurred, so it was extremely important for remembrances such as this one to occur so that everyone remembers that our freedoms come with a cost. He encouraged all residents to come to the event at Town Hall.

6. Legal Comments

Town Attorney Poliakoff advised for residents who wish to visit Founders Park they could park along the wall to the west of CVS. The parking spaces there were actually intended to be used by those who wished to visit the park. He also indicated that two City Commissioners in Broward County recently passed away. He offered condolences to the families of Carl Schecter of Pembroke Pines and Bill Julian of Hallandale Beach. He indicated that his office had completed the language for the Fireworks Bill and would be submitting to the Florida Legislature. Lastly, he indicated that the lawsuit against Pembroke Pines was finally going to trial on October 11th and it was slated for two weeks. Town Administrator Berns has been meeting with his counterpart in Pembroke Pines in the hopes of reaching some type of settlement.

7. Administration Comments

Town Administrator Berns confirmed that he has been meeting with Pembroke Pines City Manager Charles Dodge but no agreement in principle has been reached yet. He also advised that he has met with Davie Town Administrator Rick Lemack on various issues including the proposed traffic light at Volunteer Road and Sheridan Street. Mr. Lemack advised Town Administrator Berns the Ivanhoe HOA community would be providing feedback from their membership. Davie will take their stance on that issue once they hear back from the Ivanhoe HOA Presidents. He advised that Mr. Lemack supported our request to place Equestrian Crossing signs along Volunteer Road by the Equestrian Park. He asked that our Public Works Director coordinate with the Town of Davie Engineer.

Ordinance – 1st Reading

8. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ESTABLISHING A PERMANENT RESIDENCY REQUIREMENT TO BE APPOINTED TO SERVE AS A VOTING MEMBER ON A TOWN BOARD; CREATING SECTION 2-95 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "PERMANENT RESIDENCY REQUIREMENT"; PROVIDING FOR INCLUSION IN THE TOWN'S CODE; PROVIDING FOR CONFLICT S; PROVIDING FOR SEVERABILIT Y; AND PROVIDING AN EFFECTIVE DATE. {Second Reading to be held September 13, 2021}

The following motion was made by Council Member Kuczenski, seconded by Council Member Jablonski and passed by a 5-0 roll call vote. The vote was as follows: Council Members Allbritton, Jablonski, Kuczenski, Vice Mayor Hartmann, and Mayor Breitzkreuz voting yes.

MOTION: TO APPROVE THE ORDINANCE SUBJECT TO AMENDING PERMANENT RESIDENCY REQUIREMENT SECTION 2-95 TO STATE “..UNLESS FIVE MEMBERS OF THE TOWN COUNCIL DETERMINE OTHERWISE, ..”.

Resolutions

9. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN AGREEMENT WITH DBI SERVICES, LLC IN THE AMOUNT OF FIVE HUNDRED TWENTY-FOUR THOUSAND EIGHT HUNDRED TWENTY DOLLARS AND ZERO CENTS (\$524,820.25) TO COMPLETE THE HANCOCK ROAD GUARDRAIL IMPROVEMENTS, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2020-2021 ADOPTED BUDGET; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski, seconded by Council Member Allbritton and passed by a 5-0 roll call vote. The vote was as follows: Council Members Allbritton, Jablonski, Kuczenski, Vice Mayor Hartmann, and Mayor Breitzkreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION SUBJECT TO CORRECTING A SCRIVERNOR’S ERROR IN THE RESOLUTION HEADER TO REFLECT THE CORRECT AMOUNT (\$524,820.25).

10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ACCEPTING AND APPROVING AN AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) TO RECEIVE THREE HUNDRED FIFTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$355,000.00) TO COMPLETE THE COUNTRY ESTATES DRAINAGE AND WATER QUALITY IMPROVEMENT PROJECT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY, TO ENTER INTO AN AGREEMENT; APPROVING THE FUNDING COMMITMENT FOR THE FISCAL YEAR 2021-2022 TOWN BUDGET; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Allbritton, seconded by Council Member Jablonski and passed by a 5-0 roll call vote. The vote was as follows: Council Members Allbritton, Jablonski, Kuczenski, Vice Mayor Hartmann, and Mayor Breitzkreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION.

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PURCHASE AND WORK ORDER FOR THE PURCHASE AND INSTALLATION OF TWO AIR CONDITIONING SYSTEMS FOR THE ROLLING OAKS PARK BARN FACILITY FROM AMERICAN PRIDE MECHANICAL IN THE AMOUNT OF ELEVEN THOUSAND, THREE HUNDRED FIFTY SIX DOLLARS (\$11,356.00); AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2020/2021 BUDGET; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski, seconded by Vice Mayor Hartmann and passed by a 5-0 roll call vote. The vote was as follows: Council Members Allbritton, Jablonski, Kuczenski, Vice Mayor Hartmann, and Mayor Breitzkreuz voting yes.

MOTION: TO APPROVE THE RESOLUTION.

Discussion

13. Commercial Retail Sale of Plants Not on Farms Discussion - Mayor Breitzkreuz

Mayor Breitzkreuz advised that he asked that this item be placed on the agenda. He spoke of the history of this issue which has historically been referred to as the Nursery Ordinance. It has gone to the Comprehensive Plan Advisory Board and the Town Council on more than one occasion and has had some contentious aspects to it. There is a central piece to it that he felt was essential and was one of the two main reasons why Council sought to make these changes in the first place. The first concerned retail commercial non-agricultural businesses in a residential area. Currently there is no restriction in place to prohibit a retail commercial establishment from opening in a residential neighborhood. He appreciated the efforts of the Comprehensive Plan Advisory Board and cited the Zoning in Progress for these types of establishments. He also thanked Town Planner Jeff Katims for his efforts. He stated that the new language proposed will not affect businesses with the Agricultural Classification. He specified that there are provisions in the new ordinance that will protect those businesses with the Agricultural Classification. He cited a phrase contained within Section K pertaining to where the plants are grown and asked if it could be removed. He felt the language added confusion. He proposed to the Town Council that the phrase be removed.

Council Member Kuczenski indicated his support for this ordinance to move forward with the removal of this language. The rest of the Council voiced their support. Council Member Jablonski asked when the Zoning in Progress was set to expire. Town Attorney Poliakoff indicated that it was just recently extended another 60 days. Mayor Breitzkreuz asked Town Administrator Berns when the item could be expected on a Town Council agenda. Town Administrator Berns indicated that it would appear on the September 13th meeting on First Reading and be adopted by the end of September. Mayor Breitzkreuz stated that if this item doesn't get approved soon there are several of these businesses that are seeking to open up in residential neighborhoods.

Newell Hollingsworth stated that this proposed piece of legislation did not address the proposed conversion of residences. He wanted to see that added back in. Mayor Breitzkreuz felt that was important to address but felt it could be addressed separately.

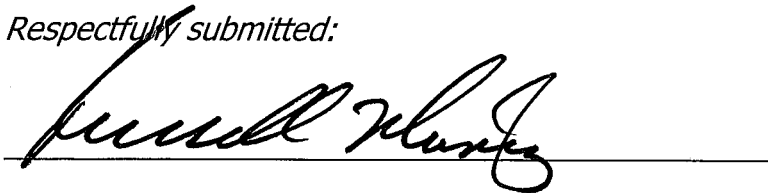
Mayor Breitzkreuz addressed expansion of commercial retail nurseries that were accessed from an arterial roadway. He was under the impression that if there was access on a non-arterial roadway then you could not use it for a retail nursery. Town Attorney Poliakoff suggested that language be added to the ordinance that stated that if the property had access on non-arterial roadways they cannot be added to the commercial retail nursery. Town Attorney Poliakoff suggested language that would be added to the ordinance.

Council Member Kuczenski asked if this ordinance would have addressed the issue that occurred with the nursery to the east of Town Hall. Mayor Breitkreuz stated their access could not be off of the side road as it is now. The access would have to be off of Griffin Road if they could even get it. Mayor Breitkreuz acknowledged that the ordinance as proposed may not be perfect but wanted this passed as soon as possible and minor tweaks could be made to address some of the other issues being raised.

Adjournment

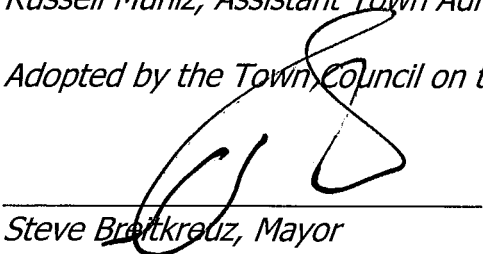
Meeting was adjourned at 9:02 p.m.

Respectfully submitted:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this 14th day of October 2021



Steve Breitkreuz, 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.