

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

Thursday 7:00 PM

December 14, 2017

13400 Griffin Road

Present:

Mayor Doug McKay

Town Administrator Andrew D. Berns

Vice Mayor Freddy Fisikelli

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Steve Breitzkreuz

Martin D. Sherwood, Town Financial Administrator

Council Member Gary Jablonski

Keith Poliakoff, 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 7:05 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

**3. Legislative Session – Representative Jenne & Representative Stark**

Representative Evan Jenne and Representative Richard Stark presented an update on the upcoming legislative session in 2018.

**4. I-75 Express Lanes – Gerdy St. Louis, Community Outreach Specialist**

Gerdy St. Louis, Community Outreach Specialist, representing the Florida Department of Transportation (FDOT) narrated a PowerPoint presentation concerning the I-75 express lane project.

**5. Recognition – City of Tamarac IT – 2017 Digital Cities Survey Award**

Levent Sucuoglu and James Twigger representing the City of Tamarac Information Technology Department were recognized for their department receiving the 2017 Digital Cities Survey Award.

**6. Public Comment**

The following members of the public addressed the Town Council: Mike Hanley, Newell Hollingsworth, and David Kuczenski.

**7. Board Reports**

Bob Hartmann, Chair of the Drainage and Infrastructure Advisory Board (DIAB), spoke about the challenges that the installation of guardrails has created. It has minimized where bulk can be placed in front of a residence. Over time the placement of bulk in the same location creates larger holes which undermines the roads and the canal banks. The DIAB has recommended that new homes be required to build a slab for the collection of bulk. He also spoke about traffic signs and road striping that are in bad shape and urged the Town to have a site survey performed by Broward County Traffic Engineering Division. Lastly, he spoke about the traffic out west near Franklin Academy. He felt the Town needed to push for Griffin Road to be widened out west and to include bike lanes.

## 8. Council Member Comments

Council Member Jablonski wished everyone Happy Holidays. He reminded everyone that the Household Hazardous Waste and Shred A Thon event would be on January 13<sup>th</sup> at the Rolling Oaks Park.

Council Member Schroeder wished everyone Happy Holidays and also thanked staff for the Holiday Party that was recently held. She congratulated the Volunteer Fire Rescue Department on their successful Santa run this year.

Council Member Breitzkreuz indicated that he was in contact with Scott Brunner of the Broward County Traffic Engineering Division who indicated that more time was needed to evaluate the intersection at Griffin Road and Weston Road. Mr. Brunner had also performed an assessment of the traffic going into 190<sup>th</sup> Avenue from Griffin Road. A second assessment was being scheduled and Council Member Breitzkreuz believed that a left turn lane from Griffin Road would be warranted. Echoing comments made during the Public Comments portion of the meeting, he expressed the Town's website was very slow. He addressed the recommendations made by the DIAB and felt that Town staff needed to explore them further. He believed that a "stronger pitch" needed to be made to Broward County and the MPO regarding the improvements to Griffin Road since they are improving Everglades Holiday Park which will draw more visitors. Mayor McKay suggested drafting a resolution to this effect. Town Attorney Poliakoff suggested instead that the Town reach out to Richard Tornese of the Broward County Highway Division. Council Member Breitzkreuz commended staff for the exceptional job he believed that was done in response to Hurricane Irma, but spoke of the improvements that could be made in communicating information to the public concerning debris removal and the eventual pick up of regular bulk waste. He spoke of his discussion with Assistant Town Administrator/Town Clerk Muñiz about developing a graphical representation of the expected debris collection passes that could be placed on the Town's website. Town Administrator Berns also believed that the area that held the greatest opportunity for improvement was communication. However, he cautioned that there were many aspects to the communication effort that would continue to make it a challenge in the future. He advised that a recent communication was sent out to the HOA presidents seeking their input on how the Town could better communicate with their respective residents.

Council Member Breitzkreuz also expressed a desire to better communicate the status of active code cases. He asked that all active code cases be listed on the Town website. Town Administrator Berns cited an example that exactly illustrated Council Member Breitzkreuz' issue. Council Member Jablonski asked if the intent was to list every code call. Council Member Breitzkreuz clarified that only open active cases where Code believes that a real issue exists. Town Attorney Poliakoff suggested that the Town Council pattern this listing after the system used by the City of Fort Lauderdale. Lastly, he indicated that he would not seek reelection when his term ended in 2018.

Vice Mayor Fisikelli also announced that he would not seek reelection when his term ended.

Mayor McKay wished everyone Happy Holidays. He thanked his colleagues on the Town Council for their service.

**9. Legal Comments**

Town Attorney Poliakoff thanked Council Member Breitkreuz for his incredible service to the community over the years. He spoke about how much scrutiny is placed on elected officials and indicated what a difficult job it was. He spoke about his discussions with the Town's lobbyists, Southern Strategies Group to formulate bills for the upcoming session concerning the requirement for both municipalities to consent before allowing any deannexation, and the requirement for consent when one municipality intends to purchase land within the boundaries of another municipality. He advised that when Council Members are approached by those seeking elected office they should be asked what their stance is on the issue of deannexation of the Town. He wished everyone a Happy Holiday Season.

**10. Administration Comments**

Town Administrator Berns asked that agenda item 20 (Town Administrator/Town Financial Administrator Annual Review) be deferred until the next meeting which would be held on January 25<sup>th</sup>. He wished everyone a happy and healthy holiday season.

**Ordinance – 1<sup>st</sup> Reading**

**11.** AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ADOPTING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2018-2022 PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**Resolutions**

**12.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF THE COMPREHENSIVE PLAN ADVISORY BOARD (CPAB); RESTATING THE BOARD'S SCOPE; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**13.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF THE DRAINAGE AND INFRASTRUCTURE ADVISORY BOARD (DIAB); RESTATING THE BOARD'S PURPOSE AND OBJECTIVES; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**14.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF FIRE ADVISORY BOARD (FAB); RESTATING THE BOARD'S SCOPE; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**15.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF THE RECREATION, FORESTRY, AND NATURAL RESOURCES ADVISORY BOARD (RFNRAB); RATIFYING THE BOARD'S PURPOSE AND OBJECTIVES; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**16.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF THE RURAL PUBLIC ARTS AND DESIGN ADVISORY BOARD (RPADAB); RESTATING THE BOARD'S SCOPE; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**17.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE TERM OF THE SCHOOLS AND EDUCATION ADVISORY BOARD (SEAB); RESTATING THE BOARD'S SCOPE; AUTHORIZING TOWN COUNCIL MEMBERS TO ADMINISTRATIVELY APPOINT BOARD MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**18.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PIGGYBACK AGREEMENT WITH ADVANCED MODULAR STRUCTURES, INC. IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS (\$250,625) TO COMPLETE THE FIRE MODULAR PROJECT AT 17220 GRIFFIN ROAD; 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 Breitkreuz, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Jablonski, Schroeder, Vice Mayor Fisikelli, and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION SUBJECT TO TWO CAVEATS: 1) BUILDING INSPECTION NOW AND ONCE DELIVERED. 2) KEEP CLOSE EYE AND NOTE ANY DEFICIENCIES WITHIN FIRST 30 DAYS.

#### Discussion

**19.** Code Compliance Update – Robert Solera, Community Development Director  
Mr. Solera summarized a brief presentation on his findings related to businesses operating in residential neighborhoods based on previous Town Council discussion that occurred at the September 13, 2017 meeting. He indicated that the issues identified were an increase in traffic, unsafe staging of multiple commercial vehicles, commercial waste being set out with residential waste, and large-scale mulching operations. He recommended several Code revision suggestions to address these issues.

Members of Town Council rejected the suggested Code revision concerning increasing the number of commercial vehicles allowed on the site from 2 to 3. Council Member Jablonski asked what the definition of "large" was in regards to the recommendation to proactively pursue "large commercial operations." Mr. Solera responded that no specific definition had been created but he envisioned businesses that were larger than home based businesses, such as those requiring a Certificate of Use.

Town Attorney Poliakoff clarified that prior to the Town's incorporation, the County zoning did not allow commercial vehicles to stay at a residence. Once the Town incorporated, the zoning was changed to allow up to two commercial vehicles. An employee of the business is not allowed to

drive a commercial vehicle back to someone's residence. He cited the definition of a commercial vehicle from the Town Code. He believed that it was possible to define a "large commercial operation" but he was unsure if the Town Council would be happy with any other definition than what is in place now because when large commercial operations are operating out of a home, residents complain already. He did not believe that this needed to be pursued proactively. Town Administrator Berns indicated that the reason this was suggested for proactive enforcement was because there have been many instances where a Certificate of Use was issued for one Use and years later it is determined that the Use permitted is different than the Use currently occurring. He believed that having the ability to inspect more frequently would provide better oversight of rogue uses. Council Member Breitzkreuz believed that an inspection every other year would be prudent. He believed that "large commercial operations," which Town Attorney Poliakoff later defined as "appearing to have more than 5 employees and which exceeds the number of vehicles found at a home based business," should be proactively regulated by Code Enforcement, and inspections should be done every other year.

Mayor McKay asked about above ground fuel tanks for nurseries. He spoke about a recent incident where someone was cited even though they were licensed by Broward County. Town Attorney Poliakoff indicated he would bring forward an ordinance to address these issues.

Mayor McKay also raised an issue regarding mulching operations. It was his understanding when the mulching ordinance was passed in September that the Town would first pursue those with heavy equipment operations. Instead he believed that the Town was pursuing all mulching and composting operations. He felt this was a bad idea as it would increase the instances of illegal dumping throughout the Town. Town Attorney Poliakoff advised that there was nothing in the Town Code or the County Code that allowed a business to bring vegetative debris back to their property to mulch. Mr. Solera clarified that the County Code allows a business to store up to 100 cubic yards of debris that emanated from their own property. Mayor McKay suggested that this use be allowed on the perimeter roads of the Town. The remainder of the Town Council objected to this idea.

**20.** Town Administrator/Town Financial Administrator Annual Review  
Deferred until January 25, 2018 earlier in the meeting.

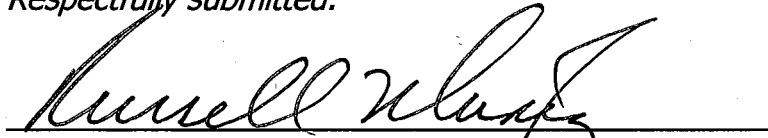
- 21.** Approval of Minutes
- a. October 26, 2017 - Regular Meeting
  - b. November 9, 2017 - Regular Meeting
  - c. November 28, 2017 - Special Meeting

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

**MOTION: TO APPROVE THE MINUTES.**

**22. Adjournment - Meeting was adjourned at 10:16 p.m.**

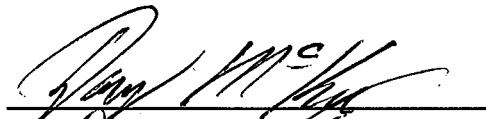
*Respectfully submitted:*



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

*Adopted by the Town Council on  
this 25th day of January, 2018.*



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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.