

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

Thursday 7:00 PM

July 12, 2018

13400 Griffin Road

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**Present:**

Mayor Doug McKay

Andrew D. Berns Town Administrator

Vice Mayor Freddy Fisikelli

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Steve Breitkreuz

Martin D. Sherwood, Town Financial Administrator

Council Member Gary Jablonski

Jim Brady, Deputy 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 7:02 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: Mary Gay Chaples, Terry Duke, Bryon Houghtaling, Newell Hollingsworth, Marvin Holt, James Pilgrim, J.C Freeman, Nick Pilgrim, Bob Hartmann, Lee Lester, Eddie Flores, Al Avello, and John Eastman.

**4. Board Reports**

None.

**5. Council Member Comments**

Council Member Schroeder complimented Community Development Director Robert Solera for his efforts dealing with difficult code enforcement issues. She voiced her displeasure with having to have a meeting when there was nothing on the agenda except the approval of minutes. She spoke of the recent accident out west in which a pickup truck hit two equestrian riders. She indicated that the accident investigation was ongoing and might take months before it is complete. Regarding recent reports that Tractor Supply was interested in opening a store within the Town along Sheridan Street and 185<sup>th</sup> Avenue. She was supportive of this business opening there as it fit with the character of our Town.

Mayor McKay also indicated his support. He felt that there was no better store that represented the Town's character than Tractor Supply. Therefore, he was supportive of placing it in the proposed location on Sheridan Street or someplace along Flamingo, or US Highway 27.

Council Member Breitkreuz spoke about the tragic accident out west. He felt the Town is all about equestrians and for this tragedy to happen, really hit close to home. He indicated he would be contacting the County to see if an equestrian crossing can be installed at 198<sup>th</sup> Avenue similar to the ones we have at Flamingo Road and Bonaventure Boulevard. He felt that drivers needed to be alerted to the fact that they are driving in an area where people enjoy the outdoors and they need to get off their phones while driving. Regarding the comments made by Council

Member Schroeder concerning the length of the meetings, he felt it was never a waste of time regardless of how little business was listed on the agenda. He felt representing the Town by sitting on the dais was an honor and every minute was precious for him. He further advised that this meeting was specifically kept light to allow for the discussion on swale damage. Lastly, regarding the proposed Tractor Supply store he was supportive. He indicated his concern for the proposed location as he felt that the traffic generated may negatively affect Town residents adjacent to it, so perhaps a different location might be better suited.

Vice Mayor Fisikelli indicated his concern for the proposed location and its impact on the surrounding community. He felt that if Tractor Supply is going to develop at the proposed site they should buy property along Sheridan and not much going to the North as it may negatively affect Town residents.

Council Member Jablonski advised of upcoming Town events including Household Hazardous Waste at the Park on July 14<sup>th</sup> and the DMV FLOW program at Town Hall on July 26<sup>th</sup>. He also announced that Cinemark along I-75 has announced plans to expand. He felt that our residents would be negatively affected. He spoke of the accident involving the equestrian riders, and spoke of his efforts to find a solution with Richard Tornese of Broward County. The different suggestions included an equestrian crossing, and additional signage. He thanked Town residents for their confidence in him and allowing him to continue to serve for an additional four years as he was recently reelected without opposition. Pertaining to Tractor Supply, he was supportive of having them in the Town. However, he took issue with the proposed location. He felt the former Applebees location on Dykes Road or the US Highway 27 corridor were more appropriate.

Council Member Schroeder opined that Council Member Jablonski's dissent opinion is why people should vote against the ballot question in November. She indicated that regardless of the community's wish, one Council Member could prevent it from being approved. Council Member Jablonski objected, and wished to correct the record as he did not object to the approval of Tractor Supply, just not in the proposed location.

Mayor McKay and Council Member Schroeder expressed their concern that Tractor Supply would move elsewhere if a viable location was not found soon.

Mayor McKay spoke of the accident involving the equestrian riders, and felt that none of the safety improvements suggested could have avoided this tragedy. In this instance he felt that government action was needed to prohibit the use of cell phones in cars unless being used with a Bluetooth device or handsfree. He indicated his support for the actions suggested by his colleagues and residents to make the area safer for equestrians. He reiterated his support for Tractor Supply opening within the Town, but felt the right location had to be identified. He advised that should the ballot measure in November fail, the vote to rezone a property would revert to what it is currently is, which is a supermajority vote. As for the sale of Town owned property or long-term lease of Town owned property, if the ballot measure fails it will revert back to what it is now which is a simple majority.

## **6. Legal Comments**

Deputy Town Attorney Brady offered no legal comments.

## **7. Administration Comments**

Town Administrator Berns advised that Town Attorney Poliakoff also reached out to Richard Tornese from Broward County about the accident involving the equestrians. He advised that Davie Police had also reached out to Andrew Szebo so multiple people in Broward County were aware of the Town's concerns regarding this matter. He reminded the Town Council that our State Representative Richard Stark was pushing legislation trying to make texting while driving a primary offense. He provided an update on the modular fire station. He was hopeful that the station would be ready for occupancy by the end of the month. Lastly, he provided an update on Gary Poliakoff Founders Park and thanked George Morris for his efforts.

### Discussion

## **8. Discussion: Swale Damage**

Town Administrator Berns summarized the issue and referred to a PowerPoint presentation created that illustrated the conditions existing with Town swales. He indicated that Waste Pro began providing solid waste collection service on October 1, 2017 replacing the previous provider LGL, and prior to that a hurricane required large piles of debris to be placed in the swale. Because of these issues it was difficult for staff to determine who was responsible for the damage and how it should be remediated.

During public input on this issue, several possible causes of the swale damage were identified including operator error on the part of Waste Pro and their predecessor, and design of the clam shell used to grab the bulk. Council Member Jablonski felt that if the gouges in the swale were fresh when reported they should be repaired by Waste Pro. He also felt that damage to the swales along the canal bank should be repaired by the Town as it could affect drainage. Town Administrator Berns recommended that the Town garner input from Central Broward Water Control District Director Mike Crowley regarding damage along the canal bank. Lastly, Council Member Jablonski felt that Waste Pro should modify the clam shell used so it would not dig deep into the swale.

Council Member Breitkreuz agreed the clam shell needed to be modified. He also noticed that the operators seem to be operating the clam shell from inside the truck where they used to be doing it from outside the truck. He felt this could be contributing to the issue. He believed that most of what appeared to be major swale damage was probably caused during the hurricane recovery effort. He also felt that Town residents need to document swale damage caused by Waste Pro. He believed that if Waste Pro had to bear the cost of restoring swale damage all over Town they would be more careful in their bulk removal.

A representative from Waste Pro stated that Waste Pro will alter the clam shells on the truck as they are currently designed for smooth surfaces. He clarified that all of the controls for the bulk waste trucks are operated from outside of the vehicles. Council Member Breitkreuz advised that he had received complaints about speeding and Mayor McKay advised that the trucks often block the roads by parking in the middle of the road when collecting the debris piles. He also asked

about the hydraulic oil spills. The Waste Pro representative advised that the drivers have a spill kit in the truck. Waste Pro will also send a truck to pressure wash the oil spill.

Mayor McKay felt that if the swale damage has existed for some time the residents are responsible for correcting it. They should document with photographic evidence that it's been corrected and if any new damage occurs they should document it with photographic evidence and report it to Waste Pro and Waste Pro should be responsible for correcting the damage.

Town Administrator Berns thanked the Council for the direction provided and indicated this discussion would return in the near future as it pertained to the canal side damage.

## 9. Approval of Minutes

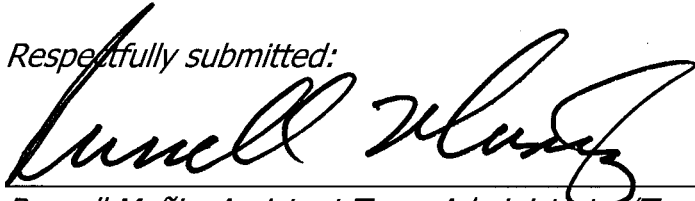
### a. June 28, 2018 Regular Meeting

The following motion was made by Vice Mayor Fisikelli, seconded by Council Member Schroeder, and passed by a 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 MINUTES.**

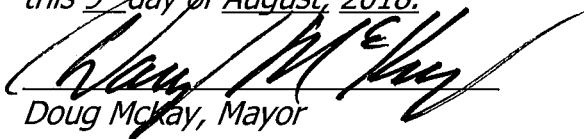
## 10. Adjournment - Meeting was adjourned at 8:35 PM.

*Respectfully submitted:*



*Russell Muñiz, Assistant Town Administrator/Town Clerk*

*Adopted by the Town Council on  
this 9<sup>th</sup> day of August, 2018.*



*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.