

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

July 26, 2018

13400 Griffin Road

Present:

Mayor Doug McKay

Vice Mayor Freddy Fisikelli

Council Member Steve Breitzkreuz

Council Member Gary Jablonski

Council Member Denise Schroeder

Andrew D. Berns Town Administrator

Russell Muñiz, Assistant Town Administrator/Town Clerk

Martin D. Sherwood, Town Financial Administrator

Keith Poliakoff, 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 7:10 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

3. Recognition of Davie Fire Chief Julie Downey - FFCA 2018 Fire Chief of the Year

Davie Fire Chief Julie Downey was recognized by the Town Council for being named the Florida Fire Chief's Association Fire Chief of the Year for 2018.

4. Public Comment

The following members of the public addressed the Town Council: Newell Hollingsworth, Mary Gay Chaples, and Bob Hartmann.

5. Board Reports

Mary Gay Chaples, Chair of the Recreation, Forestry, and Natural Resources Advisory Board, advised that the developers who were bringing fill into the Town-owned 5 acres at Calusa Corners were keeping the site clean. She advised that the drainage project at Southwest Meadows Sanctuary was underway. She also spoke of the impending grand opening of Gary Poliakoff Founders Park. Lastly she advised that the ballfields at Country Estates Park appear to be in good shape but wished to walk it to make sure the issues with rocks was no longer an issue.

George Morris, Chair of the Comprehensive Planning Advisory Board, advised of the recent appointment of officers within the Board. He advised that he was appointed Chair, Bob Hartmann was appointed Vice Chair, and Josh Dykes was appointed Recording Secretary. Regarding the Nursery Operations ordinance that Council wished to consider, he asked that the Board be granted more time to deliberate. Council agreed that more time be granted.

6. Council Member Comments

Council Member Jablonski recognized the photo contest winners and pointed to the display in Council Chambers. He advised the Budget Workshop would be held on August 21st at 7 pm. He also promoted the following upcoming Town events including Bingo at the Barn on August 11th, Broward County Property Appraiser Outreach on August 20th and Household Hazardous Waste at the Park on September 8th and the DMV FLOW program at Town Hall on August 23rd.

Council Member Schroeder offered her condolences to David Kuczenski and his family on the loss of his father. She spoke of a recent conversation she had with Representative Katie Edwards regarding the proposed nursery operations ordinance and she objected to some portions of it and therefore she supported the Comprehensive Planning Advisory Board taking all of the time needed to get it right before Town Council consideration.

Council Member Breitzkreuz spoke about the upcoming Charter amendments that will be decided upon by Town voters in November. He indicated his support for the ballot measures. He indicated that the first measure would change the current requirement of a simple majority to sell or lease for a long term, Town owned property. If the amendment is approved the requirement would be changed to require a unanimous vote of the Town Council and then approval by Town voters of the sale or long-term lease. The second measure would require a unanimous vote of the Town Council for land use changes. He explained that the current requirement for land use changes was four votes of the Town Council. He felt these two amendments were essential for the future preservation of the Town as they would help to control density and commercial development.

Vice Mayor Fisikelli spoke of bulk pickup. He indicated his service has been excellent, but recognized that other residents experienced some service issues. He suggested that the Town look at the schedule again and perhaps could modify it to address the service concerns raised.

Mayor McKay indicated that he attended the award ceremony for Chief Downey and enjoyed the event. He also spoke of the Charter amendments but indicated that he did not support these measures. He felt that these measures would give a single Council Member too much control. He indicated that there would be two candidates vying to fill Council Member Breitzkreuz' seat in November. He congratulated Council Member Jablonski for being reelected without opposition.

Council Member Schroeder spoke of the mail ballot she recently received for the August primary. She asked if the Town could acquire a sample ballot so people could review it prior to Election Day. She spoke of the November Charter amendments and also indicated she did not support them. She felt that they could restrict who a property owner could sell property to. She believed that one vote could stop the will of the people. Council Member Breitzkreuz disagreed and felt her assertions were not accurate. He clarified that the amendments would not affect who private property owners could sell their property to, the amendments only affected Town owned property. He responded to comments made earlier that the amendments would keep issues away from the residents. He disagreed and believed that the process allows for resident input along every step and would also require the residents to approve the sale or long-term lease of Town owned property via a referendum.

Council Member Schroeder felt the requirement of a unanimous vote was "overkill." She believed that it allowed one Council Member to take away the residents' right to have a say on what should be done with future land use decisions and Town owned property.

Council Member Jablonski read the ballot questions verbatim. He felt that the language was very clear and he did not believe that it took away any rights from residents. Mayor McKay disagreed

and argued that the Council could vote and the residents would never get to vote on the item. Council Member Breitzkreuz disagreed and indicated that currently the Town could sell property on a 3-2 vote and the public would have no further say. The amendment would require a 5-0 vote for the sale of Town property and then the residents would also have to vote in favor in order for the sale to be completed. He felt that for something so critical as the sale or long-term lease of Town property it was important to have a unanimous vote requirement. Council Member Jablonski asked Town Attorney Poliakoff to clarify the ballot questions. Town Attorney Poliakoff recalled that the ordinance authorizing the ballot questions was approved in 2017. He summarized that when the Town owns property for preservation purposes it would require a unanimous vote to sell or for leases longer than 10 years. If the vote is unanimous the issue would be scheduled for an election and would be subject to an affirmative majority vote of the Town's electors to be approved. The second ballot question would require a unanimous vote of the Town Council for all land use changes on all properties in the Town. Therefore, rezonings, variances, and other land use changes would require a unanimous vote of the Town Council whereas the current requirement is a supermajority vote (4 votes).

7. Legal Comments

Town Attorney Poliakoff indicated that he had met with the Broward County Office of Inspector General (OIG). They have conducted an audit over the past two years of Town purchases over a seven year period that represented more than \$90 million worth of transactions. The audit will indicate that the Town may have overpaid invoices associated with our waste contract to Sun Bergeron/LGL. He advised that the audit would be concluded soon and he believed that their findings will indicate that the Town was wrongfully billed \$60-\$80K, and approximately \$20K was incorrectly billed to commercial accounts. The Town was already withholding \$68K from the final bill from the vendor. Therefore, any potential exposure to the Town was minimal. He also provided an update on a case between Pembroke Pines and Wesley Clark and indicated that Pembroke Pines attempted to include the Town in the lawsuit. In the CCA case, he provided an update on which Pines residents were on the list to be deposed. Lastly, regarding the Nursery Operations ordinance he indicated he wanted to review it further. He wanted to bridge together the interests of the true nursery operators operating as wholesalers and those who wished to turn their establishments into a more expansive retail establishment. He felt that the Town Code needed to be more refined to more clearly define these two types of nurseries.

8. Administration Comments

Town Administrator Berns offered no comments.

Resolutions

9. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A NOTIFICATION SERVICES SUBSCRIPTION AGREEMENT WITH ONSOLVE INTERMEDIATE HOLDING COMPANY D/B/A ONSOLVE, LLC; PROVIDING FOR TELECOMMUNICATIONS, TEXT, EMAIL AND OTHER SOCIAL MEDIA COMMUNICATIONS TO TOWN RESIDENTS AND BUSINESSES AT A COST OF \$3,800 PER YEAR FOR A ONE (1) YEAR TERM WITH THE OPTION OF EXTENDING UP TO FOUR ADDITIONAL ONE-YEAR TERMS; 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 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 RESOLUTION.

10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, HONORING FIFTY YEARS OF MUNICIPAL HOME RULE IN THE FLORIDA CONSTITUTION AND COMMITTING TO AN EDUCATIONAL INITIATIVE TO HELP FLORIDIANS UNDERSTAND THIS BENEFICIAL RIGHT; AND PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Council Member Breitkreuz, seconded by Council Member Jablonski, 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 RESOLUTION.

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SETTING THE PROPOSED MILLAGE RATE AND CURRENT ROLL BACK RATE PURSUANT TO SECTION 200.065, FLORIDA STATUTES; AND ESTABLISHING THE DATE, TIME AND PLACE AT WHICH PUBLIC HEARINGS WILL BE HELD TO CONSIDER THE PROPOSED MILLAGE RATE AND THE TENTATIVE BUDGET FOR FISCAL YEAR 2019; AND DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF BROWARD COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE SENT TO THE BROWARD COUNTY PROPERTY APPRAISER AND TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Schroeder, seconded by Council Member Breitkreuz, 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 RESOLUTION.

12. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE PRELIMINARY FIRE SERVICES ASSESSMENT RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FOR THE IMPOSITION AND COMPUTATION OF FIRE PROTECTION ASSESSMENTS; INCORPORATING THE FIRE PROTECTION ASSESSMENT REPORT; PROVIDING FOR LEGISLATIVE DETERMINATION OF SPECIAL BENEFIT AND FAIR APPORTIONMENT; ESTABLISHING THE RATE OF ASSESSMENT; DIRECTING THE PREPARATION OF A PRELIMINARY ASSESSMENT ROLL; PROVIDING FOR AN EXEMPTION FOR VETERAN'S SERVICE-CONNECTED TOTAL AND PERMANENT DISABILITY;

AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Schroeder, seconded by Council Member Breitzkreuz, and passed by a 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 RESOLUTION.

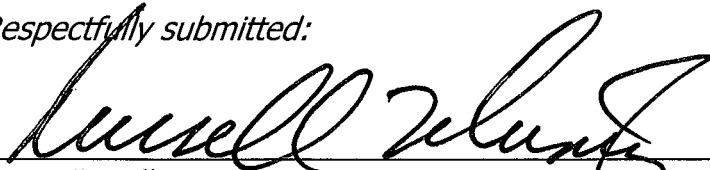
13. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF SOLID WASTE SERVICES, FACILITIES AND PROGRAMS TO RESIDENTIAL PROPERTIES IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; PROVIDING AUTHORITY FOR SOLID WASTE SERVICES ASSESSMENTS; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FINDINGS; INCORPORATING THE SOLID WASTE SPECIAL ASSESSMENT METHODOLOGY REPORT; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; PROVIDING FOR AN EXEMPTION FOR VETERAN'S SERVICE-CONNECTED TOTAL AND PERMANENT DISABILITY; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Breitzkreuz, seconded by Council Member Schroeder, and passed by a 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 RESOLUTION.

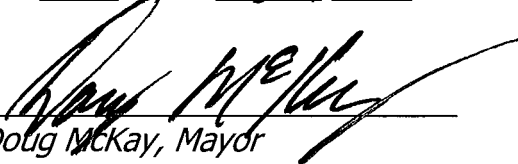
14. Adjournment - Meeting was adjourned at 9:10 PM.

Respectfully submitted:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this 23RD 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.