

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

Thursday 7:00 PM

August 20, 2019

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew Berns, Town Administrator

Vice Mayor Gary Jablonski

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Bob Hartmann

Martin D. Sherwood, Town Financial Administrator

Council Member Denise Schroeder

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 7:00 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

The following motion was made by Vice Mayor Jablonski, seconded by Council Member Hartmann, and passed by a 4-0 roll call vote. The vote was as follows: Council Members Hartmann, Schroeder, Vice Mayor Jablonski, and Mayor McKay voting Yes.

**MOTION: TO EXCUSE THE ABSENCE OF COUNCIL MEMBER FISIKELLI.**

Town Administrator Berns read a prepared statement that sought to first correct the record of the Town's relationship with the Broward County Property Appraiser's (BCPA) staff. He explained that Fire Assessments are solely determined by the Town. BCPA staff assistance was requested to help determine what was a "pole barn" and to inspect properties around the Town. The efficiency with which BCPA staff completed the review of these properties was much quicker than anticipated by the Town. As a result, the review was completed this year as the Town was formulating their fire assessment rates. He thanked BCPA staff and spoke of a meeting held on August 19<sup>th</sup> at the BCPA office which he felt was productive and Town staff as well as BCPA staff were in alignment going forward.

In relation to the resolution being considered at this meeting, Town Administrator Berns recognized the concerns raised by the Town Council and residents that commercial barns were different than retail commercial uses and should therefore be treated differently as it related to the Fire Assessment. He agreed with their request to treat them similar to other Agricultural uses. He indicated that the challenge in doing so was to bring this forward in a manner that didn't jeopardize the overall fire assessment collection. He advised that the total fire collection assessment impacted more than 3,000 properties Town-wide and would raise over \$2.2 million. He clarified that the overall total to be collected would not vary by the methodology employed so imposing this assessment on commercial barns was not an attempt to raise revenue. Accordingly, any methodology to be employed would have to be equitable and pass legal muster. He informed that the resolution under consideration would treat agricultural properties as Agricultural, traditional retail commercial uses would be raised from the initial proposal of \$0.39 per square foot to \$0.90 per square foot which remains less than what this use was assessed last fiscal year

at \$0.99 per square foot. The agricultural commercial uses would then be classified as Vacant/Agricultural and would be assessed at \$95.21 per acre. He thanked Town staff and BCPA staff for their hard work on this and for creating a path to resolving this issue.

Town Attorney Poliakoff provided some history on this issue indicating that the Town's fire study was approved in 2011. As a result of that study the Town Financial Administrator during that period assigned all commercial agricultural uses that the Town was aware of into the Commercial category for Fire Assessment purposes.

From 2011 until last year these properties were paying the Commercial rate for the Fire Assessment without issue. However, there was a change in state law that mandated the if a structure is not a "pole barn" and meets certain conditions it can become assessable for fire assessments. As a result, the BCPA assisted the Town in performing an analysis of which structures met the new criteria which yielded properties that had previously not been considered commercial agricultural uses and some which indicated additional square footage than previously known. This caused several properties to experience huge increases in their fire assessment rates.

Responding to the increase, one property owner, Diamond Eye Stables filed suit against the Town claiming that the fire study was flawed. In researching the issue Town staff held a meeting with BCPA staff in which a discussion was held to further analyze the agricultural structures around Town and review the valuations. The Town's goal was to determine which structures were valued in excess of \$10,000 so it could be determined which ones were assessable. The Town was under the impression it would take several years for that review but due to the efficiency of BCPA staff it was completed within the tax year.

Based on the completed review, many of the commercial agricultural structures were identified as having a valuation in excess of \$10,000 and were subsequently placed in the Commercial category for fire assessment purposes. Due to the influx of properties placed into the Commercial category the rate needed to be reduced to \$0.39 per square foot. However, many property owners who were never previously being assessed received a fire assessment. The Town then sent a letter to make property owners aware, and BCPA responded with an alternate letter explaining that the Town set the rates.

Since the realization of the impact these rates had on property owners Town staff began working on a solution and believes that Vacant/Agricultural is the most appropriate designation as outlined in the study. Using that designation would reassess all of the commercial barns at \$95.21 per agricultural acre and reduce the proposed fire assessment rates for these properties by 10% on average. This shift would also mean that the initial proposed rate of \$0.39 per square foot for Commercial properties could not stand as the number of these properties would see a significant reduction. However, the recalculation revealed that the rate could be set at \$0.90 for Commercial properties which was still an almost 10% reduction from the previous fiscal year. He believed that the matter of placing the commercial barns in the Vacant/Agricultural category would be a policy decision for the Town Council. He informed residents that if they believed that the structures were worth less than \$10,000 they could seek an appeal through the BCPA and the Value Adjustment Board (VAB) process.

Mila Schwartzreich, Legal Counsel to Broward County Property Appraiser Mary Kiar agreed that the Fire Assessment is completely under the jurisdiction of the Town. Their role is to establish the valuation of the barns and properties on the site.

### **3. Repeal and Replace of Fire Assessment Resolution**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA REPEALING RESOLUTION NO. 2019-048 AND APPROVING A NEW 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 members of the public addressed the Town Council: Newell Hollingsworth, Neil Kalis, Fed Cox, Lori Parrish, Lil Sayre, Fred Segal, David Kuczenski, Robin Ditzian, Gay Chaples, Kathy Cox, Susan Winn, Giselle Kobel, Christine Sukelis, Keith Gemenot, and Debra Goff-Rose.

Council Member Hartmann asked Town Financial Administrator Sherwood to calculate the difference between the \$0.99 per square foot rate used in last fiscal year's calculation versus the \$0.90 per square foot rate assuming no change in square footage in the category. He felt that if that difference was approximately \$37,000 then there was no need to assess the commercial barns.

Mayor McKay felt that the ultimate fix to this problem was the commission of a new study. In lieu of that he felt that this new proposal drastically reduced the fire assessment for most commercial barn owners and indicated his support.

In response to Council Member Hartmann's earlier inquiry, Town Financial Administrator Sherwood indicated that the difference between \$0.99 and \$0.90 assuming the same square footage was approximately \$37,530.83. However, he cautioned that if the rate was raised back to \$0.99 and exempted the commercial barn structures it could be a violation of the Fire Assessment Study. Council Member Hartmann felt that the importance of having a new study has been underscored with this present issue. He felt that the resolution should be amended to remove the barns that the Town is in litigation with and should there be a need to raise the Commercial rate because of that then so be it. He reiterated his desire to pull the 5 commercial barns out of the Commercial category and place them in the Vacant/Agricultural and totally remove all of the remaining barns in excess of \$10,000 that would trigger a fire assessment.

The following motion was made by Council Member Schroeder, seconded by Vice Mayor Jablonski, but did not pass by a 2-2 roll call vote. The vote was as follows: Vice Mayor Jablonski, and Mayor McKay voting Yes and Council Members Hartmann and Schroeder voting No.

**MOTION: TO APPROVE THE RESOLUTION.**

Council Member Hartmann asked that the resolution be amended to revert back to the \$0.99 per square foot for the Commercial classification, and remove the five barns that he believed were miscategorized as Commercial, and not charge the Agricultural barns a fire assessment. Town Attorney Poliakoff suggested revising the language of the motion to subsidize the Agricultural classified barns from the general fund instead of funding it from the Fire Assessment.

The following motion was made by Council Member Hartmann, seconded by Vice Mayor Jablonski, and passed by 3-1 roll call vote. The vote was as follows: Vice Mayor Jablonski, Council Members Hartmann and Schroeder voting Yes and Mayor McKay voting No.

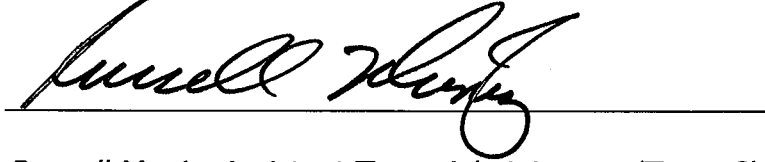
**MOTION: TO APPROVE THE RESOLUTION AND EXEMPT OUT THE 138 PROPERTIES WITH BARNs THAT HAVE A VALUATION OF MORE THAN \$10,000 AND AN AGRICULTURAL CLASSIFICATION AND PAY THE ASSOCIATED \$37,530.83 FROM THE GENERAL FUND.****4. Fiscal Year 2019-2020 Budget Presentation - Martin Sherwood, Town Financial Administrator**

Town Financial Administrator Sherwood displayed a PowerPoint presentation which indicated the total General Fund Revenues were \$12,795,993. It provided a breakdown of where all of those revenues come from, and also what expenditures make up the same amount. The presentation indicated a Fiscal Year 2020 proposed operating millage of 4.2125 mills, and a TSDOR millage of .4439 mills for a total proposed millage rate of 4.6564 which was a net decrease of .1747 mills to the Roll Back rate. It also outlined a proposed \$20.14 decrease per residential dwelling unit for the Fire Assessment and a decrease in all residential categories averaging 5.4% for the Solid Waste Assessment.

**5. Adjournment**

Meeting was adjourned at 9:40 p.m.

*Respectfully submitted:*



A handwritten signature in black ink, appearing to read "Russell Muniz", is written over a horizontal line.

*Russell Muniz, Assistant Town Administrator/Town Clerk*

*Adopted by the Town Council on  
this 21<sup>st</sup> day of November, 2019.*



A handwritten signature in black ink, appearing to read "Doug McKay", is written over a horizontal line.

*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.