

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

Thursday 7:00 PM

December 12, 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 7:40 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

**10.** AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") ARTICLE 5, "ADMINISTRATIVE AND LEGAL PROVISIONS," SECTION 005-120, "CERTIFICATES REQUIRED" TO REQUIRE CERTIFICATES OF USE FOR FARMS, NONCOMMERCIAL FARMS, COTTAGE FOOD OPERATIONS, AND HOME OCCUPATIONS, AND PROVIDING CERTAIN EXEMPTIONS FROM FEES; AMENDING SECTION 10-30, "TERMS DEFINED" AS IT PERTAINS TO AGRICULTURAL DEFINITIONS; AMENDING ARTICLE 45, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-030, "GENERAL PROVISIONS" TO REVISE REGULATIONS GOVERNING REGISTRATION, PARKING AND STORING OF AGRICULTURAL VEHICLES AND EQUIPMENT, TO PERMIT THE SALE AND DISPLAY OF COTTAGE FOODS, TO ENCOURAGE THEMATIC ARCHITECTURAL DESIGN OF COMMERCIAL FARM BUILDINGS, TO REGULATE NURSERY LOCATIONS AND PROVIDE FOR NONCONFORMING USES, AND TO PROHIBIT CONVERSION OF DWELLINGS FOR NONRESIDENTIAL USE; AMENDING SECTION 045-050, "PERMITTED AND PROHIBITED USES" TO PROHIBIT LANDSCAPE MAINTENANCE OPERATIONS; MAKING VARIOUS AMENDMENTS OF A HOUSEKEEPING NATURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION: TO MOVE THIS ITEM OUT OF ORDER.**

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

**MOTION: TO WITHDRAW THIS ITEM FROM THE AGENDA, SEND BACK TO STAFF TO BE REVISED, THE ITEM WILL THEN BE CONSIDERED AT THE JANUARY 23, 2020**

## **MEETING WITH THE OPTION TO SEND BACK TO COMPREHENSIVE PLANNING ADVISORY BOARD FOR CONSIDERATION.**

### **3. Public Comment**

The following members of the public addressed the Town Council: David Kuczenski, Mary Ann Allen, Michelle McBride, Fred Cox, Jim Laskey, Kathy Cox, Debbie Iten, and Newell Hollingsworth.

### **4. Board Reports**

No reports were made.

### **5. Council Member Comments**

Council Member Jablonski spoke of upcoming Town events including the Fun Horse Show on December 14<sup>th</sup> at the Equestrian Park, the Interfaith Town Holiday Lighting event at Town Hall on the 19<sup>th</sup>. He advised the DMV FLOW program would be on hand at Town Hall on the 26<sup>th</sup>. He further advised that the Schools and Education Advisory Board Fundraiser, Mr. & Miss Southwest Ranches would be held at the Rolling Oaks Barn on January 3, 2020. Responding to comments made earlier in the meeting he opined that the Town Council acted responsibly. Once they were made aware of the problematic language in the "Nursery Ordinance" they took swift action. He spoke of the legislative process at the Town level and how the advisory boards play a part in that process.

Council Member Hartmann wished everyone Happy Holidays. He spoke about phone calls he received about regarding the "Nursery Ordinance" concerning the restrictions on horse trailers. He refuted comments made during the Public Comments section about the Town Council not participating in the Advisory Boards discussion. He gave his recollection of the history of this proposed ordinance as it came before the Comprehensive Planning Advisory Board in multiple drafts. He emphasized the Town Council's disapproval of this version of the ordinance and indicated that is why it was withdrawn with a unanimous vote. He asked that if anyone had suggestions to improve the legislative process to let him or any member of the Town Council know. He recognized Council Member Amundson for doing an admirable job in such a short period of time.

Council Member Amundson stressed that her intent was to be available to the residents and help them.

Vice Mayor Schroeder wished everyone a healthy and happy holiday season.

Mayor McKay wished everyone a healthy and happy holiday season. He recognized Christopher Flores, a resident and US Air Force Senior Airman who was home visiting his parents.

### **6. Legal Comments**

Town Attorney Poliakoff thanked Council Member Hartmann for explaining the legislative process behind the draft Nursery Ordinance. He wanted it known that legal doesn't draft these ordinances but merely review them for legal sufficiency after they are drafted and vetted by the advisory board. He addressed a social media post that he felt was erroneous concerning the School Board

site along Sheridan Street and 190<sup>th</sup> Avenue. When the Town purchased that property the Town was also required to have an affordable housing requirement as required by the now defunct Department of Community Affairs (DCA). The Town upzoned that site after acquisition and designated the site for future affordable housing use to meet the standard established by DCA. The Town Council then sold the property to the Broward County School Board and deed restricted the site so that if the School Board ever sold the property it could only be used for a K-12 school site. The County never recognized the Town's land use designation on the site which left the property in conflict. For many years the Town contacted the School Board and offered to buy the property back as it never saw any plans by the School Board to build a school on the site. In contact with the School Board over the years, the Town has always urged them to build a K-12 veterinary medicine agricultural life sciences school. On social media someone was saying that a Charter School was coming to that site. He emphasized that information was false. He did advise that the School Board has approached the Town about selling the property back to the Town, but he felt they had a conundrum. When the School Board sells property back to the cities they deed restrict the property saying it cannot be a school. Conversely, the Town has a deed restriction on the property that says it can only be a school. With these contradictory deed restrictions the property is virtually worthless and makes it difficult for the School Board to sell. Should the Town reacquire the property it must return to a school site.

## **7. Administration Comments**

Town Administrator Berns advised that Community Services Director Robert Solera and his wife Deputy Town Clerk Ivette Solera would be relocating to Georgia. In Mr. Solera's place, Julio Medina would be taking over Code Enforcement and Zoning services.

### Ordinance - 1st Reading

**8.** AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ADOPTING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2020-2024 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 Jablonski, seconded by Vice Mayor Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder, and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE ORDINANCE.

**9.** AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION OF APPROXIMATELY 33 ACRES FROM MEDIUM DENSITY RESIDENTIAL (16 DU/AC) TO RURAL RANCH, TO MATCH BROWARD COUNTY'S FUTURE LAND USE MAP DESIGNATION, GENERALLY LOCATED AT THE NORTHEAST QUADRANT OF SHERIDAN STREET AND SW 190TH AVENUE; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; REQUESTING RECERTIFICATION BY THE BROWARD COUNTY PLANNING COUNCIL; AND, PROVIDING FOR AN EFFECTIVE DATE. (APPLICATION NO. PA-20-2)

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

**MOTION:** TO APPROVE THE ORDINANCE.

**11.** AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") BY AMENDING SECTION 10-30, "TERMS DEFINED;" AMENDING ARTICLE 100, "APPLICATION SUBMITTAL AND NOTICE PROCEDURES," SECTIONS 100-020, "GENERAL APPLICATION REQUIREMENTS," 100-030, "MINIMUM REQUIRED CONTENT FOR ALL PUBLIC HEARING NOTIFICATIONS," AND 100-060, "MAIL NOTICE REQUIREMENTS FOR PUBLIC HEARINGS;" CREATING ARTICLE 112 ENTITLED, "SPECIAL EXCEPTION USES;" PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE ORDINANCE.

#### Resolutions

**12.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE TOWN COUNCIL MEETING SCHEDULE FOR THE CALENDAR YEAR 2020; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION.

**13.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE TOWN HOLIDAY SCHEDULE FOR THE CALENDAR YEAR 2020; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION WITH THE EXCEPTION OF COUNCIL MEMBER AMUNDSON'S APPOINTMENTS.

**15.** 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 Vice Mayor Schroeder, seconded by Council Member Amundson and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder, and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION AND APPOINT JIM STARKWEATHER AS MAYOR MCKAY'S APPOINTMENT.

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

**MOTION:** TO APPROVE THE APPOINTMENT OF YARDIEL FUENTES TO FILL THE AT-LARGE VACANCY.

**16.** 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 Jablonski, seconded by Vice Mayor Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder, and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION AND ADD DENA BUTLER AND APPOINT ASTER KNIGHT AS AN HONORARY MEMBER.

**17.** 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 Jablonski, seconded by Vice Mayor Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder, and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION.

**18.** 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 Jablonski, seconded by Vice Mayor Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder, and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION.

**19.** 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 Vice Mayor Schroeder, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder, and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE RESOLUTION.

**20.** A RESOLUTION AND FINAL ORDER OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING APPLICATION NO. SP-74-19 BY IGLESIA MISION VIDA, INC. TO AMEND ITS EXISTING SITE PLAN BY ADDING A 2,396 SQUARE-FOOT STORAGE AND CHURCH OFFICE BUILDING AND INCIDENTAL IMPROVEMENTS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Poliakoff advised that items 20 and 21 were properly noticed as Quasi-Judicial items but erroneously placed at the end of the agenda. Both items were treated as quai-judicial items.

Assistant Town Administrator/Town Clerk Muñiz swore in the witnesses. Assistant Town Planner Jeff Katims read the staff report.

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

**MOTION:** TO APPROVE THE RESOLUTION TO ADD A CONDITION THAT AN INDEMNIFICATION AGREEMENT BE EXECUTED TO HOLD THE TOWN HARMLESS.

**21.** A RESOLUTION AND FINAL ORDER OF THE BOARD OF ADJUSTMENT OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING/DENYING APPLICATION NO. VA-74-20 BY IGLESIA MISIÓN VIDA, INC. FOR A VARIANCE FROM SUBSECTION 095-40(B) OF THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC") TO WAIVE REQUIRED VEHICULAR USE AREA LIGHTING; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

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

**MOTION:** TO APPROVE THE RESOLUTION TO ADD A CONDITION THAT AN INDEMNIFICATION AGREEMENT BE EXECUTED TO HOLD THE TOWN HARMLESS.

#### Discussion

**22.** Annual Review of Charter Officials

This item was requested to be tabled by Town Administration to the February 13, 2020 Meeting

**23.** Approval of Minutes

- a. September 12, 2019 - First Budget Hearing
- b. September 12, 2019 Regular Meeting
- c. September 26, 2019 Regular Meeting
- d. October 10, 2019 Regular Meeting

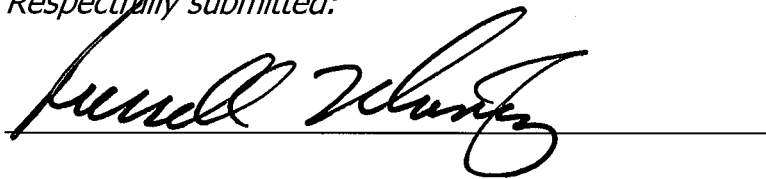
The following motion was made by Council Member Hartmann, seconded by Vice Mayor Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder, and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE MINUTES.

**24. Adjournment**

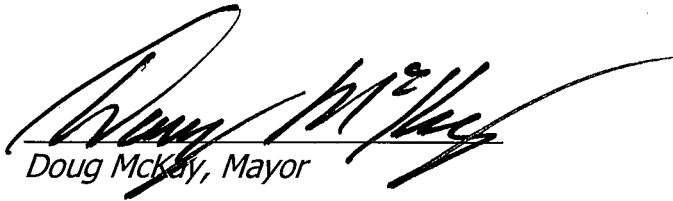
Meeting was adjourned at 9:15 p.m.

*Respectfully submitted:*



*Russell Muñiz, Assistant Town Administrator/Town Clerk*

*Adopted by the Town Council on this day 30<sup>TH</sup> day of July, 2020.*



*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.