

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

March 11, 2021

13400 Griffin Road

Present:

Mayor Steve Breitzkreuz

Andrew Berns, Town Administrator

Vice Mayor Bob Hartmann

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Jim Allbritton

Martin D. Sherwood, Town Financial Administrator

Council Member Gary Jablonski

Keith Poliakoff, Town Attorney

Council Member David Kuczenski

Regular Meeting of the Town Council of Southwest Ranches was held virtually via the ZOOM Meeting Platform. 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. Proclamation - Child Abuse Prevention Month - April 2021

Assistant Town Administrator/Town Clerk Muñiz read the proclamation into the record.

4. Public Comment

The following members of the public addressed the Town Council: Navneet Khor, and Parneet Singh.

5. Board Reports

Christina Brownlow, Chair of the Parks, Recreation, Forestry, and Natural Resources Advisory Board spoke about the free mulch being offered by the Town. She spoke about the trails at Rolling Oaks Park and wished to place a gate at the southwest corner to allow pedestrians, horses, and bicyclists access to the park. She thanked fellow Board Member Wendi Halberg for referring an issue she noticed at the Equestrian Park that was able to be resolved. She advised that the Board had been tasked with assisting and maintaining the National Wildlife Federation certification and also helping to promote the Citizen Survey. Lastly, she recognized Staff Liaison December Laurantano-Haines for her efforts with the Board.

Debbie Green spoke on behalf of the Schools and Education Advisory Board and thanked all who participated in the Flamingo Flocking Fundraiser. She advised that over \$19,000 had been raised so far. She also mentioned that the Board planned on hosting a virtual Bingo night in April.

George Morris spoke on behalf of the Drainage and Infrastructure Advisory Board. He advised that the board had been discussing fill permit penalties for work done without a permit. He advised that the Board was working on language to address this issue and would be presenting that to the Town Council in the near future. He advised that the potential change of scope for the SW 188th Avenue TSDOR project was now a reduction in work which results in a credit to the Town in the amount of \$163,000 and an increase in the warranty from 1 to 2 years.

6. Council Member Comments

Council Member Jablonski advised that free COVID-19 testing was taking place at Rolling Oaks Park. He also advised that they would be performing pre-registration for the vaccine during the same event. He advised that this event also coincided with the Household Hazardous Waste Hazmat event at the Park. Lastly, he reminded residents that Daylight Savings Time was occurring this weekend and reminded everyone to move their clocks forward.

Vice Mayor Hartmann thanked the Mayor for tasking the Drainage and Infrastructure Advisory Board with reviewing the fill work without a permit issue. He spoke of the difficulties that Debbie Green had with trying to obtain a "Level 0" fill permit and the obstacles she encountered while trying to obtain approvals from Broward County. He also thanked the Sikh Youth Association with organizing the 5K Run Walk benefitting the Town College Scholarship Fund.

Council Member Allbritton spoke about the proliferation of mail theft throughout the Town. He asked residents to be very vigilant and if they notice suspicious people in their neighborhood to alert their neighbors.

Council Member Kuczenski spoke regarding the Founder's Park mural project. He sought to allocate funding in the current fiscal year to pay for materials for this project. He felt that the artist might be able to donate their cost to this project. He advised that the Southwest Ranches Parks Foundation has offered to split the Town's portion of the cost.

Mayor Breitreuz advised that he and members of staff were continuing to work on the new Fire Fee and thanked the Town Administrator, and the Town Financial Administrator for their efforts. He further advised that the new Citizen Survey had been mailed out and while results were not yet tallied, he was excited that they were mailed. He asked anyone who had not yet received the survey to contact Town Hall and one would be furnished to them.

7. Legal Comments

Town Attorney Poliakoff advised that the Florida Legislature was in session. He advised the Town was closely monitoring two bills. The first, Senate Bill 88 addressed Agritourism and would allow it to be considered a primary use of the property. Another Bill concerned complaints received by Code Enforcement and would require that complaints could no longer remain anonymous.

8. Administration Comments

Town Administrator Berns reminded everyone that the Town had entered into a Public Private Partnership (P3) agreement with a third party for the former CCA site now owned by the Town. The acquisition was made possible by a non-taxable note but now that the Town was converting the site into a for-profit venture via the P3 the property must be refinanced. Through the due diligence of Town Financial Administrator Sherwood, the best finance options received appear to come from TD Bank. He asked that the Town Council provide consensus for him to execute the interest rate lock agreement with TD Bank. He made it clear that this agreement did not close the loan, the Town Council would be able to review all pertinent documentation prior to loan closing. This agreement merely locked in the financing terms.

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

MOTION: TO LOCK IN THE RATE OF 1.98%, 15 YEAR NOTE TO REFINANCE THE FORMER CCA PROPERTY.

Ordinance – 2nd Reading

9. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CONCERNING WATER PROTECTION AND CONSERVATION; PROVIDING FOR LANDSCAPE IRRIGATION RESTRICTIONS AND EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR ADMINISTRATIVE VARIANCE RELIEF; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. {Approved on First Reading -February 25, 2021}

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

MOTION: TO APPROVE THE ORDINANCE ON SECOND READING.

Ordinance - 1st Reading

10. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 10, ENTITLED, "DEFINITION OF TERMS" TO DEFINE THE TERMS, "VETERINARY CLINIC" AND "MOBILE SERVICES UNIT;" AMENDING ARTICLE 45 ENTITLED, "AGRICULTURAL AND RURAL DISTRICTS," SECTION 045-050 "PERMITTED AND PROHIBITED USES" TO PROHIBIT VETERINARY CLINICS, VETERINARY HOSPITALS AND COMMERCIAL BOARDING AND BREEDING KENNELS AS PRINCIPAL USES IN THE A-1 and A-2 ZONING DISTRICTS; 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 Hartmann and passed by 5-0 roll call vote. The vote was as follows: Council Members Allbritton, Jablonski, Kuczenski, Vice Mayor Hartmann, Mayor Breitreuz voting Yes.

MOTION: TO APPROVE THE ORDINANCE ON FIRST READING.

Resolutions

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN AGREEMENT WITH EVANS CONTRACTING SERVICES INC. IN THE AMOUNT OF NINETY-FOUR THOUSAND TWENTY-SIX DOLLARS AND ZERO CENTS (\$94,026.00) FOR PHASE I OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FUNDED DYKES ROAD DRAINAGE IMPROVEMENT PROJECT; APPROVING A BUDGET AMENDMENT TO THE

FY21 ADOPTED BUDGET; 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 Vice Mayor Hartmann, seconded by Council Member Kuczenski and passed by 5-0 roll call vote. The vote was as follows: Council Members Allbritton, Jablonski, Kuczenski, Vice Mayor Hartmann, Mayor Breitreuz voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

12. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE TRANSPORTATION SYSTEM SURTAX; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

13. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF THREE THOUSAND THREE HUNDRED SIXTY-THREE DOLLARS AND ZERO CENTS (\$3,363.00) TO CRIMSON TECHNOLOGY PRODUCTS FOR THE PURCHASE OF THREE (3) HAND-HELD RADAR UNITS FOR THE TOWN OF SOUTHWEST RANCHES POLICE DEPARTMENT; AUTHORIZING THE USE OF FORFEITURE FUNDS AND A FISCAL YEAR 2021 BUDGET AMENDMENT FOR THIS PURCHASE; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE PURCHASE ORDER; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

14. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2015-017 RELATING TO THE TOWN'S ADVISORY COMMITTEE/BOARD POLICY PERTAINING TO MEETING ATTENDANCE; AUTHORIZING THE TOWN ADMINISTRATOR TO IMPLEMENT THE NEW POLICY; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

15. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ENACTING A ZONING IN PROGRESS, PURSUANT TO SECTION 005-240 OF THE TOWN'S UNIFIED LAND DEVELOPMENT CODE, TO FURTHER REGULATE ANY NEW COMMERCIAL NURSERY, EXPANSION OF AN EXISTING COMMERCIAL NURSERY, OR STORAGE OR GROWTH OF ANY PLANT MATERIAL IN CONTAINERS; ENACTING A ZONING IN PROGRESS FOR A PERIOD OF TIME NOT TO EXCEED SIX (6) MONTHS OR UNTIL THE TOWN'S REVISED REGULATIONS HAVE BEEN ADOPTED, WHICHEVER IS SOONER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.**Discussion****16. Charter Review**

Mayor Breitzkreuz indicated that every 5 years the Town Council has appointed a Charter Review Committee to review the Charter and see if anything needed to be adjusted, corrected, removed or improved to make it a better document to reflect the values and the direction the Town is heading in. He felt it was important to get resident input and see if any changes were needed. His intent for this discussion item was to get Council input on whether the Committee should be composed the way it traditionally has been or establish new ground rules.

Vice Mayor Hartmann spoke of his experience chairing the Charter Review Committee ten years ago. He advised that each Council Member appointed a member to the Committee. He believed the Committee offered five or six changes. He felt the resident input was great and felt that approach was best suited for the task.

Council Member Jablonski advised that he was the author of five charter amendments that were approved by the voters and there was no committee formed to develop those amendments. He felt that instead of creating a new committee, perhaps have the Drainage and Infrastructure Advisory Board or the Comprehensive Plan Advisory Board be tasked with this responsibility. He was concerned that the Charter Review could become a "political football" for a new committee and the makeup of the existing boards suggested that would prevent that from happening. As it stood right now the only change he would support would be to have the Charter Review be done every 10 years along with the District Boundary Review.

Council Member Kuczenski supported each Council Member appointing someone to a committee to perform the Charter Review.

Council Member Allbritton supported the idea suggested by Council Member Jablonski. He felt that there were some very sharp members on the Boards and felt comfortable entrusting that responsibility to them.

Mayor Breitzkreuz was leaning towards forming a new committee as had been done in the past but saw the merits of both approaches. He felt that if Council Member Jablonski's approach was used, he believed the Comprehensive Plan Advisory Board was best suited. As such, he wondered if it would be possible for that Board to meet twice a month. He felt that they were working on so many important issues that he did not want them to be delayed by the additional responsibilities of the Charter Review.

Jason Halberg, Chair of the Comprehensive Plan Advisory Board indicated it would be a privilege to work on the Charter Review but he did not feel comfortable speaking on behalf of the rest of the Board without first discussing with them.

Council Member Jablonski asked what the hurry was. He asked if there was some pressing issue or could the Charter Review be performed six months from now.

Vice Mayor Hartmann asked if there was a statutory requirement to review the charter by a certain time. Town Attorney Poliakoff advised that the Charter Review should have been performed four years ago. He further advised that the current Charter requires the review to take place every four years. He felt that was something the Charter Review should look to amend and suggested every ten years. He also spoke of past district boundary reviews in line with the US Census. He suggested that the Town Council could choose a committee to review the Charter and the Town Council districts at the same time.

The Town Council discussed this proposal and quickly dismissed this idea. Town Attorney Poliakoff advised that another way to amend the Charter was through a Legislative Act. He further advised that the Town Council could serve as its own Charter Review Committee.

Mayor Breitzkreuz outlined a schedule to have the Committee start their work in September of 2021 with wording ready to be sent to the County in June of 2022, with placement on the ballot in November 2022.

Council Member Kuczenski asked how the redistricting process worked. Town Attorney Poliakoff explained that when the results of the US Census were received the Town had to engage a consultant to review the current population distribution among the four districts to ensure that they were relatively equal. If the consultant determined that they were not relatively equal the consultant would then offer various scenarios to equalize the population among the districts. Council Member Kuczenski indicated his support for the Town to engage a consultant independent from the Town. Vice Mayor Hartmann also voiced his support for this approach.

Council Member Jablonski also agreed that hiring a consultant for the district boundary review was the best approach. Going back to the Charter Review he felt there was ample time to consider and didn't feel there was a need to appoint a special committee to perform the Charter Review.

Town Administrator Berns indicated that based on individual conversations he had with members of the Town Council he had already lined up a consultant to handle the redistricting effort. Originally, the Census data was due in March but that has since been pushed back to September.

Mayor Breitreuz summarized the discussion regarding the Charter Review. He advised that the Town Council would convene this effort in the fall, possibly in September and would utilize the Comprehensive Plan or Drainage and Infrastructure Advisory Board to perform the review.

17. Founder's Park Mural

This item was addressed earlier in the meeting under Council Member Kuczenski's comments.

18. Approval of Minutes

a. January 28, 2021 Regular Meeting

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

MOTION: TO APPROVE THE JANUARY 28, 2021, REGULAR MEETING MINUTES.

19. Adjournment

Meeting was adjourned at 9:16 p.m.

Respectfully submitted:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this 8th day of April, 2021.



Steve Breitreuz, 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.