

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

February 28, 2019

13400 Griffin Road

Present:	Andrew Berns, Town Administrator
Mayor Doug McKay	Russell Muñiz, Assistant Town Administrator/Town Clerk
Vice Mayor Gary Jablonski	Martin D. Sherwood, Town Financial Administrator
Council Member Bob Hartmann	Keith Poliakoff, 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 7:10 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: Manmeet Kaur, Pavitpaul Singh, David Kuczenski, Brad McBride, Michele McBride, Greg Warren, Jim Laskey, Luke Hansford, and Mary Gay Chaples.

4. Board Reports

There were no board reports.

5. Council Member Comments

Council Member Hartmann announced that the Country Estates Homeowners Association will be having their 4th Annual Barbecue on March 30th and invited everyone to attend.

He reported that he has received various phone calls from residents with concerns about their agriculture exemption being taken away. He explained that a lot of information posted on social media is incorrect, and invited all residents who are concerned and/or would like to give their input to attend the Comprehensive Planning Board meetings to participate in the nursery landscape commercial operation ordinance discussions. Lastly, he welcomed back Council Member Schroeder who had surgery recently.

Vice Mayor Jablonski announced upcoming Town events such as the Household Hazardous Waste & Prescription Drop Off Day, Water Matters Day, and the Schools and Education Advisory Board's Barn Dance all on March 9th, the Broward County Property Appraiser's Office Outreach on March 18th, the DMV Flow Mobile on March 28th and the Sikh Society Run/Walk and the Country Estates Homeowners Association Barbecue both on March 30th. Lastly, he reminded everyone about Daylight Savings time on March 10th.

Council Member Schroeder announced that she was happy to be back and thanked everyone for all of their well wishes on her recent surgery, especially David Kuczenski, Mary Gay Chaples, Town Council, Town Staff, and friends.

Mayor McKay welcomed Council Member Schroeder back and was glad to see her looking well. He informed of his day trip to Tallahassee for Broward Days in order to lobby for the Town to receive funding for various issues. He announced another upcoming trip to Tallahassee for Broward Days. He thanked everyone for coming and asked residents to reach out to him and/or other members of Town Council if they have any issues they would like addressed.

6. Legal Comments

Town Attorney Poliakoff welcomed Council Member Schroeder back and thanked everyone for coming to the meeting. Next, he presented a Power Point where he explained the ongoing issue between the Town and the McBride property. He showed a Broward County Property Appraiser's map of Palomino including the names of residents that live in that area. He explained that Palomino Drive is a unique street in Sunshine Ranches because Broward County created it with a swale and a horse trail only on one side of the road. Many years ago, there was a complaint that all of Palomino residents' fencing was not located within their property line. The residents were cited by Code Enforcement. The issue began after a hurricane blew part of the McBride's fence down, so they put up a new fence without a permit. The neighbors called to complain, so Code Enforcement Director Robert Solera cited them for not having a permit for the construction of the fence. Mr. McBride provided an after the fact survey which showed where he wanted to put up the fence. The after the fact survey was also denied because it showed that the fence was on Town property. In an effort to avoid litigation and come to a resolution, the Town Council offered for the McBride's to put their fence on their property line until it needs to be replaced, and while the Town is not building the connection to Griffin Road, they would be allowed to use 50% of the property to put a fence and gain much more property making the barn in compliance. The offer was rejected by the McBride's, and they filed suit against the Town.

Town Attorney Poliakoff went on to explain that the issue began with a developer who built two homes on Palomino, and was told that as a condition precedent to issuing the certificate of occupancy, the right of way had to be dedicated in order to finish the swale. Since the developer no longer owned the property, the Statute of Limitations Law says that if a deed has been conveyed illegally or improperly and it is not challenged in twenty years, it can no longer be challenged.

As for the other residents that live on Palomino, the Zacco's and the Caparro's, were offered the same condition as the McBride's, and signed a Maintenance Indemnification Work Agreement (MIW). The Perez's are currently working with Town Council in an effort to come to a resolution. Lastly, the Calabrese's and the Holt's have all agreed to resolve their issues, and put their fences on their property line.

The Town Council's position is to be open and willing to work together to solve the issue. They tried through mediation to resolve the issue with the McBride's, but they did not accept the offer. Therefore, the Town Council will continue with litigation, and if this goes the duration, the barn, fence, and the columns will have to come down.

7. Administration Comments

Town Administrator Berns welcomed Council Member Schroeder back after her recent surgery. He added that Council Member Fisikelli was not feeling well tonight, and advised Town Council to make a motion to excuse his absence.

The following motion was made by Vice Mayor Jablonski, and 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 COUNCIL MEMBER FREDDY FISIKELLI.

Resolutions

8. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN AGREEMENT IN THE AMOUNT OF FIFTY-NINE THOUSAND THREE HUNDRED TWENTY-FOUR DOLLARS AND NINETY CENTS (\$59,324.90) WITH PHI CONSTRUCTION, INC. TO CONSTRUCT IMPROVEMENTS IN THE FRONTIER TRAILS CONSERVATION AREA; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2018/2019 BUDGET FOR THE FRONTIER TRAILS PARK IMPROVEMENT; AND PROVIDING AN EFFECTIVE DATE.

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 APPROVE THE RESOLUTION.

Discussion

9. Annual Review of Charter Officials

Town Attorney Poliakoff explained the process for the annual review of Charter Officials. He met with Town Administrator Berns and they were seeking a 3% bonus. Town Attorney Poliakoff suggested 5%, but although Town Administrator Berns was appreciative of the Town Attorney's suggestion, he still felt that the same percentage budgeted for Staff was appropriate. Council Member Schroeder made a motion for all three Charter Officials to receive a 5% performance bonus, and Mayor McKay seconded the motion. Council Member Schroeder mentioned that similar officials at other municipalities earn significantly more money, therefore she felt that the Charter Officials deserve the 5% performance bonus.

Council Member Jablonski suggested a flat rate for a performance bonus, as opposed to a percentage rate. He opined that Town Administrator Berns should receive \$6,000.00, Town Financial Administrator Sherwood \$5,000.00, and Assistant Town Administrator/Town Clerk Muñiz, \$5,000.00. He felt that they deserved it, and that the Town could afford it. Mayor McKay expressed his support of the 5% bonus for each of them. Council Member Hartmann reminded

that Town Administrator Berns did not want more than a 3% bonus, because he would like to stay in line with Town staff.

Town Administrator Berns wanted to correct for the record that the 3% raise for staff is not a cost of living raise, and it was not given at one time. However, the 3% raise is a merit raise based on performance and could range anywhere from 0 – 3%. Since last year was a tight budget year, Town Administrator Berns opined that if merit was earned, the raise be capped at 3%. As such he felt uncomfortable accepting a percentage that is higher than the percentage that was available to Town staff. As for Town Financial Administrator Sherwood and Assistant Town Administrator/Town Clerk Muñoz, who are both Charter Officials and report to Town Council, he felt they were not the same as staff, therefore, he expressed that he had no issue with Town Council rewarding excellence or higher performance to them as they see fit.

The following motion was made by Council Member Schroeder, and seconded by Vice Mayor Jablonski, but there was no roll call vote.

MOTION: TO PROVIDE 5% BONUS FOR CHARTER OFFICIALS TOWN FINANCIAL ADMINISTRATOR SHERWOOD, AND ASSISTANT TOWN ADMINISTRATOR/TOWN CLERK MUNIZ, AND TO PROVIDE A 3% BONUS FOR CHARTER OFFICIAL TOWN ADMINISTRATOR BERNs.

After further discussion the Town Council agreed to award 5% performance bonus to all three Charter Officials.

The following motion was made by Council Member Schroeder, and seconded by Mayor McKay, 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 AWARD TOWN ADMINISTRATOR BERNs, TOWN FINANCIAL ADMINISTRATOR SHERWOOD, AND ASSISTANT TOWN ADMINISTRATOR/TOWN CLERK MUNIZ A 5% PERFORMANCE BONUS.

10. Proposed FY 2019-2020 Budget Calendar

The following motion was made by Vice Mayor Jablonski, and 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 CHANGE THE 1ST BUDGET HEARING DATE FROM SEPTEMBER 11TH TO SEPTEMBER 12TH.

The following motion was made by Vice Mayor Jablonski, and seconded by Council Member Schroeder, 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.

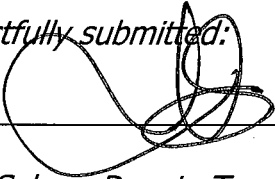
MOTION: TO APPROVE THE MINUTES.

11. Approval of Minutes

- a. November 15, 2018
- b. January 24, 2019

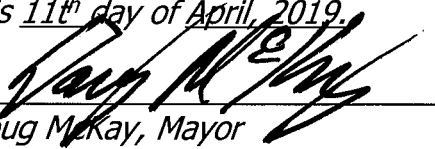
12. Adjournment - Meeting was adjourned at 8:59 PM.

Respectfully submitted:



Ivette Solera, Deputy Town Clerk, CMC

*Adopted by the Town Council on
this 11th day of April, 2019.*



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.