



Southwest Ranches Town Council

REGULAR MEETING

Agenda of July 9, 2020

Southwest Ranches Council Chambers
7:00 PM Thursday

13400 Griffin Road
Southwest Ranches, FL 33330

<u>Mayor</u>	<u>Town Council</u>	<u>Town Administrator</u>	<u>Town Attorney</u>
Doug McKay	Delsa Amundson	Andrew D. Berns	Keith M. Poliakoff, J.D.
<u>Vice Mayor</u>	Bob Hartmann	<u>Town Financial</u>	<u>Assistant Town</u>
Denise Schroeder	Gary Jablonski	<u>Administrator</u>	<u>Administrator/Town Clerk</u>
		Martin Sherwood, CPA CGFO	Russell C. Muniz, MMC

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Presentation - GIS Update**
4. **Public Comment**
 - All Speakers are limited to 3 minutes.
 - Public Comment will last for 30 minutes.
 - All comments must be on non-agenda items.
 - All Speakers must fill out a request card prior to speaking.
 - All Speakers must state first name, last name, and mailing address.
 - Speakers will be called in the order the request cards were received.
 - Request cards will only be received until the first five minutes of public comment have concluded.
5. **Board Reports**
6. **Council Member Comments**
7. **Legal Comments**
8. **Administration Comments**

Ordinance - 2nd Reading

9. **AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, BY CREATING CHAPTER 9 ENTITLED "NOISE" TO ESTABLISH STANDARDS FOR THE ACCEPTABLE LEVELS OF NOISE AND TO PREVENT NUISANCES THAT MAY ADVERSELY AFFECT THE QUIET ENJOYMENT AND QUALITY OF LIFE EXPECTED BY TOWN RESIDENTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. {Approved on First Reading on June 25, 2020}**

Resolutions

10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF SOUTHWEST RANCHES, FLORIDA; REPEALING AND REPLACING RESOLUTION 2011-074; PROVIDING AUTHORITY FOR FIRE PROTECTION SERVICES ASSESSMENTS; PROVIDING PURPOSE AND DEFINITIONS; PROVIDING FINDINGS; INCORPORATING THE FIRE PROTECTION ASSESSMENT REPORT; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

11. Approval of Minutes

- a. May 14, 2020 Regular Meeting**
- b. June 11, 2020 Regular Meeting**

12. Adjournment

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 A 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.



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Doug McKay, Mayor
Denise Schroeder, Vice Mayor
Delsa Amundson, Council Member
Bob Hartmann, Council Member
Gary Jablonski, Council Member

Andrew D. Berns, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Russell Muniz, Assistant Town Administrator/Town Clerk
DATE: 7/9/2020
SUBJECT: Noise Ordinance - Second Reading

Recommendation

Town Council consideration for a motion to approve the ordinance.

Unanimous Vote of the Town Council Required?

No

Strategic Priorities

- A. Sound Governance
- E. Cultivate a Vibrant Community

Background

The Town has fielded numerous complaints from residents about excessive noise in their neighborhoods. Without an effective standard and ordinance in place excessive noise complaints cannot effectively be resolved. This ordinance establishes a standard for excessive noise and provides enforcement provisions to protect the residents' quiet enjoyment of their property.

Fiscal Impact/Analysis

None.

Staff Contact:

Russell Muñiz, Assistant Town Administrator/Town Clerk
Julio Medina, Community Development Director
Keith Poliakoff, Town Attorney

ATTACHMENTS:

Description	Upload Date	Type
Noise Ordinance - TA Approved	6/30/2020	Ordinance

ORDINANCE NO. 2020-XXX

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES, BY CREATING CHAPTER 9 ENTITLED "NOISE" TO ESTABLISH STANDARDS FOR THE ACCEPTABLE LEVELS OF NOISE AND TO PREVENT NUISANCES THAT MAY ADVERSELY AFFECT THE QUIET ENJOYMENT AND QUALITY OF LIFE EXPECTED BY TOWN RESIDENTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166 of the Florida Statutes, the Town of Southwest Ranches is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Town Council of the Town of Southwest Ranches finds it in the best interest of the Town to create Chapter 9, entitled "Noise" in order to establish standards for the acceptable levels of noise to protect the quiet enjoyment of the Town; and

WHEREAS, the Town Council finds that the additions to the Code contained herein are in the best interest of and will reasonably protect the health, safety, and welfare of the Town's residents.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

SECTION 1. Recitals. The above recitals are true, correct and incorporated herein by reference.

SECTION 2. Creation. Chapter 9, entitled "Noise" of the Code of Ordinances of the Town is hereby created to state as follows:

Sec. 9-1 ***Intent***

The Town of Southwest Ranches finds and declares that excessive sound is a serious hazard to the public health, welfare, safety, and quality of life; that a substantial body of science and technology exists by which excessive sound may be substantially abated; and that people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health, welfare or safety or degrade the quality of life. Therefore, it is the policy of Southwest Ranches to prevent excessive sound which may jeopardize the health, welfare or safety of the citizens

of the town or degrade the quality of life.

Sec. 9-2 ***Definitions***

All terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- (1) Construction means any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action on public or private property, utilities or similar property.
- (2) Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action; economic loss shall not be a factor in the determination of an emergency. It shall be the burden of an alleged violator to prove an "emergency. "
- (3) Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage, but not economic loss, threatened or caused by an emergency.
- (4) Noise means any sound which annoys or disturbs humans or animals, or which causes or tends to cause any adverse psychological or physiological effect on humans or animals.
- (5) Noise disturbance means any noise or sound, including subharmonic frequencies that can be heard or felt beyond a real property boundary that would be determined to be objectionable by a reasonable person.
- (6) Person means any natural person, individual, public corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever or any combination of such, jointly or severally.
- (7) Public right-of-way means any street, avenue, sidewalk, or similar place normally accessible to the public which is owned or controlled by a governmental entity.
- (8) Public space means any property or structures thereon normally accessible to the public.

- (9) Real property line means any imaginary line along the surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person.
- (10) Receiving land means the land located within the Town which is receiving the noise or sound.
- (11) Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (12) Vibration means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

Sec. 9-3. ***Noise Disturbance Prohibited.***

No person shall make, continue, or cause to be made or continued, any noise disturbance as defined herein.

Sec. 9-4. - ***Maximum Permissible Sound Levels By Receiving Land.***

No person shall operate or cause to be operated any sound in such manner as to create a noise disturbance that is audible in a receiving land.

Sec. 9-5. - ***Exemptions.***

The provisions of section 9-3 shall not apply at any time to:

- (1) Motor vehicles legally operating on a public right-of-way;
- (2) The unamplified human voice;
- (3) Any noise generated by new products or interstate motor and rail carrier vehicles to the extent that local regulation of noise levels of such new products and interstate motor and rail carrier vehicles has been preempted by the Noise Control Act of 1972 (49 U. S. C. Section 4901 et seq.) or other applicable federal laws or regulations;
- (4) Farming equipment;
- (5) Any noise generated by the movement of aircraft in accordance with or

- pursuant to applicable federal laws or regulations;
- (6) Maintenance and installation of public service utilities;
 - (7) Noise generated for the purpose of alerting persons to the existence of an emergency or noise generated in the performance of emergency work;
 - (8) Any noise generated by any noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way pursuant to lawful authority; and
 - (9) Any noise generated by the operation or testing of engines, landscaping equipment, generators, pumps, mechanical equipment, construction tools, emergency equipment or similar noises that are common to residential properties;
 - (10) Refuse collection;
 - (11) Construction in accordance with the construction hours set forth in the Town Code;
 - (12) Any noise generated on a Town owned property, which is authorized by the Town;
 - (13) Any noise generated by the Town or by a Town event;
 - (14) Farm animals;
 - (15) Non-farm animals provided that they do not constitute a nuisance, as defined by the Town's Code; and
 - (16) Home workshops in accordance with the construction hours set forth in the Town Code; and
 - (17) Any special event that has been approved by the Town.

Sec. 9-6. - ***Noise measurement.***

For the purpose of determining and classifying any noise disturbance, the test measurement shall consist of an inspection by an authorized Town representative who shall determine if the noise can be heard within a receiving land and whether a reasonable person would find the noise, sound or vibration to be objectionable during the time of day the noise is observed.

Sec. 9-7. - ***Display of permit.***

A person who has been granted a permit for a special event shall firmly affix such permit so that it is visible from the adjacent street to enable neighbors to know of the terms, conditions, and duration of the special event.

Sec. 9-8. - ***Enforcement & Penalty.***

This regulation shall be enforced by all appropriate administrative and judicial proceedings in accordance with the Town's Code and the Florida Statutes.

SECTION 3. Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word hereof be declared unconstitutional or invalid, the invalidity thereof shall not affect the validity of any of the remaining portions of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its Passage and adoption.

PASSED ON FIRST READING this 25th day of June, 2020 on a motion made by Council Member Jablonski and seconded by Council Member Hartmann.

PASSED ON SECOND READING this ____ day of _____ 2020 on a motion made by _____ and seconded by _____.

McKay _____
Schroeder _____
Amundson _____
Hartmann _____
Jablonski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

[Signatures on Next Page]

Doug McKay, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, Town Attorney
37095455.1



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-2628

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Town Council
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Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, Assistant Town Administrator/Town Clerk
Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor McKay and Town Council
VIA: Andrew D. Berns, Town Administrator
FROM: Martin Sherwood, Town Financial Administrator
DATE: 7/9/2020
SUBJECT: Updated Fire Protection Assessment Methodology Report

Recommendation

Town Council consideration for a motion to approve the resolution.

Strategic Priorities

- A. Sound Governance
- B. Enhanced Resource Management
- C. Reliable Public Safety
- E. Cultivate a Vibrant Community

Background

Fiscal Impact/Analysis

Staff Contact:

Martin Sherwood, Town Financial Administrator

ATTACHMENTS:

Description	Upload Date	Type
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Fire Protection Assessment Methodology Report Adoption

At the time of publication of this agenda, backup materials for this item had not yet been received by the Consultant. Materials will be available prior to the Town Council Meeting of Thursday July 9, 2020.

Please contact the Town Clerk's office at rmuniz@southwesttranches.org if you wish to be furnished a copy of these materials as soon as they are available.

We apologize for any inconvenience.

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REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

May 14, 2020

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew Berns, Town Administrator

Vice Mayor Denise Schroeder

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Delsa Amundson

Martin D. Sherwood, Town Financial Administrator

Council Member Bob Hartmann

Keith Poliakoff, Town Attorney

Council Member Gary Jablonski

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 7:00 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: Debbie Green and Steve Breitzkreuz.

4. Board Reports

There were no board reports.

5. Council Member Comments

There were no Council Member Comments

6. Legal Comments

Town Attorney Poliakoff spoke about page 24 of the Governor's Reopening Plan that referenced governmental meetings. The Plan stated that starting in Phase Two governmental meetings shall be in person again as long as certain guidelines are followed such as, no more than 50 persons may attend at one time, the meeting must adhere to social distancing guidelines as well as other safety protocols that must be followed. For the general public that wishes to attend the meeting electronically, that option is still available. Town Attorney Poliakoff also stated under the current Phase One guidelines, even though the meetings are staying the same, activities like going to a restaurant or barber shop have been affected. Businesses have to follow the guidelines set forth by Broward County in order to operate at this time.

7. Administration Comments

Town Administrator Berns addressed some of the public comments that were brought up earlier. He started with the traffic on SW 188th Avenue. He has had conversations with multiple residents regarding the traffic issues and Davie P.D. who has stepped up their presence in that area and the Town has the speed trailer visible as well. SW 188th Avenue has been added to the list of hot spots and the Town works hard to address the traffic issues. Council Member Jablonski had previously suggested the Town implement an Enhanced Traffic Enforcement Plan to help combat the issues which the Town was working on and will continue to work on, however it seems the

Coronavirus has slowed down some of those efforts. Town Administrator Berns stated the Town communicates with Davie P.D. on a regular basis, from the officers to administrators, so he feels confident of the Town's awareness to the traffic hot spots and the ability to address them.

Town Administrator Berns then addressed the Frontier Trails/FP&L issue. FP&L is supposed to provide notice in advance to the Town and its residents prior to beginning any work, however the Town became aware of it and he and Assistant Town Administrator Muñiz immediately contacted FP&L to address the issue and curtail the excessive trimming they were looking to accomplish. Town Administrator Berns stated the Town is always happy to communicate with its residents and is always willing to listen. He stated there will be times where the Town cannot communicate something it doesn't know about. That is why open communication is so very important.

Resolutions

8. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, SUPPORTING THE SUBMISSION OF THE TRANSPORTATION SURFACE DRAINAGE AND ONGOING REHABILITATION (TSDOR) PROJECT TO BROWARD COUNTY AS A MUNICIPAL REHABILITATION AND MAINTENANCE SURTAX PROJECT TO BE CONSIDERED FOR CYCLE ONE FUNDING; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS DEEMED NECESSARY TO HELP EFFECTUATE THE INTENT OF THIS RESOLUTION; 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

9. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SELECTION OF EDJ SERVICE, LLC AS THE LOWEST PRICE MOST RESPONSIVE AND RESPONSIBLE PROPOSER FOR TOWN-WIDE RIGHT OF WAY MAINTENANCE SERVICES AGREEMENT; APPROVING AN AGREEMENT WITH EDJ SERVICE LLC, WHICH ESTABLISHES THE SCOPE AND COMPENSATION FOR ITS SERVICES TO PROVIDE TOWN-WIDE RIGHT OF WAY MAINTENANCE SERVICES TO THE TOWN; APPROVING A FY 2019-2020 BUDGETARY APPROPRIATION FROM THE GENERAL FUND; APPROVING AN ADDITIONAL EXPENSE NOT TO EXCEED \$14,190.00 (FOURTEEN THOUSAND, ONE HUNDRED AND NINETY DOLLARS AND ZERO CENTS) FOR THE PRORATED CONTRACTUAL INCREASE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Hartmann, seconded by Council Member Jablonski and passed by a 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.

10. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SELECTION OF BUDGET SPRINKLER REPAIR, LLC AS THE LOWEST PRICED MOST RESPONSIVE AND RESPONSIBLE PROPOSER FOR TOWNWIDE IRRIGATION MAINTENANCE AND REPAIR SERVICES; APPROVING AN AGREEMENT WITH BUDGET SPRINKLER REPAIR, LLC, WHICH ESTABLISHES THE SCOPE AND COMPENSATION FOR ITS SERVICES TO PROVIDE TOWN-WIDE IRRIGATION MAINTENANCE SERVICES TO THE TOWN; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann and passed by a 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.

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SELECTION OF EDJ SERVICE, LLC AS THE LOWEST PRICED MOST RESPONSIVE AND RESPONSIBLE PROPOSER FOR TOWN-WIDE PARKS AND PROPERTY MAINTENANCE SERVICES; APPROVING AN AGREEMENT WITH EDJ SERVICE LLC, WHICH ESTABLISHES THE SCOPE AND COMPENSATION FOR ITS SERVICES TO PROVIDE TOWN-WIDE PARKS AND PROPERTY MAINTENANCE SERVICES TO THE TOWN; APPROVING A FY 2019-2020 BUDGETARY APPROPRIATION FROM THE GENERAL FUND; APPROVING AN ADDITIONAL EXPENSE NOT TO EXCEED \$5,700.00 (FIVE THOUSAND, SEVEN HUNDRED DOLLARS AND ZERO CENTS) FOR THE PRORATED CONTRACTUAL INCREASE; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Schroeder, seconded by Council Member Hartmann and passed by a 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.

12. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SELECTION OF RELIANCE CONTRACTORS AS THE LOWEST MOST RESPONSIVE AND RESPONSIBLE PROPOSER FOR TOWN-WIDE FACILITIES MAINTENANCE SERVICES; APPROVING AN AGREEMENT WITH RELIANCE CONTRACTORS, WHICH ESTABLISHES THE SCOPE AND COMPENSATION FOR ITS SERVICES TO PROVIDE TOWN-WIDE FACILITIES MAINTENANCE SERVICES TO THE TOWN; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO AN AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Hartmann, seconded by Vice Mayor Schroeder and passed by a 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.** Approval of Minutes
- a. April 9, 2020 Regular Meeting
 - b. April 23, 2020 Regular Meeting

The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann and passed by a 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 APRIL 9, 2020 MINUTES ONLY. THE APRIL 23, 2020 MINUTES WILL BE WITHDRAWN AND MOVED TO THE MAY 28, 2020 MEETING ONCE THEY ARE AMENDED TO REFLECT THE SUBMISSION OF AN EMAILED PUBLIC COMMENT REGARDING THE APRIL 9, 2020 MEETING.

14. ADJOURNMENT

Meeting was adjourned at 7:50 p.m.

Respectfully submitted:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this 9th 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.

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

June 11, 2020

13400 Griffin Road

Present:

Mayor Doug McKay

Andrew Berns, Town Administrator

Vice Mayor Denise Schroeder

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Delsa Amundson

Martin D. Sherwood, Town Financial Administrator

Council Member Bob Hartmann

Keith Poliakoff, Town Attorney

Council Member Gary Jablonski

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 7:02 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: Debbie Green, David Sears and Steve Breitkruz.

4. Board Reports

There were no Board Reports.

5. Council Member Comments

Council member Jablonski spoke about the vehicle break-ins throughout Southwest Ranches. He advised the residents to make sure their cars are locked at night. He warned the residents that on top of physical items that could be stolen, identities could be stolen as well if the thieves got their hands on the usual glove box paperwork. Council Member Jablonski also spoke about the graduation parade that was held for the 2020 Southwest Ranches high school graduates. He stated it was a great event and praised all who had a hand in making it happen.

Council Member Hartmann also spoke on the rash of car break-ins. These are crimes of opportunity. He cautioned residents to lock their cars and remove their personal items out of the car. Council Member Hartmann also spoke about the graduation parade. He stated it was one of the nicest things the Town and the residents had done for the residents yet. He praised the Sullivan family, the Cunningham family, as well as Town Administration for all they did to make the event happen. Lastly Council Member Hartmann spoke on the pandemic. He talked about the rising number of cases and what the news outlets are reporting to be the contributing factors. He stated the best thing people can do right now is protect their families and themselves, because this virus doesn't seem to be going away any time soon. He mentioned Southwest Ranches seems to be doing better than most cities, with not many cases noted so far, but his heart goes out to people that live in condos and apartment buildings that may be unable to keep a safe distance apart from each other.

Council Member Amundson talked about She talked about mulch piles and how they can spontaneously combust if left in one position for too long in the heat. The bottom of the mulch pile gets very hot over time and if it isn't turned or moved in some way, it can catch fire. She wants to see if the Town can look into something that can ensure the nurseries and property

owners turn their piles of mulch every six months and maybe move the piles to a cooler area to prevent them from catching fire. Mayor McKay interjected that the Town has had mulch fires in the past and had to enlist the help of bulldozers and front-end loaders to help put out the fires. He also mentioned they should reach out to Town Administrator Berns, Assistant Town Administrator Muñiz or Community Development Director Medina for any ideas or suggestions to help with this issue. Town Administrator Berns stepped in and advised that he and Council Member Amundson had a conversation about the mulch problem, and he stated Community Development Director Medina is aware of the problem as well, however there isn't anything in the Town's Code yet. Town Administrator Berns stated Council can direct the Town to look into it and bring some information back to the Town Council. Mayor McKay thought that would be a great idea. Council Member Hartmann asked if Broward County had anything in their code. He suggested to check with Broward County first before drafting anything locally. Council Member Amundsen stated she wasn't necessarily asking for a new law to be drafted, just for the Town to do some research around other cities to see what is being done, if anything. Mayor McKay summarized Council Members Amundson and Hartmann's suggestions to research surrounding areas. The entire Town Council agreed this should be looked into.

Vice Mayor Schroeder thanked everyone for the graduation parade. She stated Town Administrator Berns and his crew did an incredible job, even though it was last minute notice. She felt Madison Sullivan did a great job and she is lucky to have a mom that is helping guide her into the future. Vice Mayor Schroeder also spoke about the rain and the flooding. She stated a lot of residents called her about it. She stated she advised them the water will recede after a while. She said the residents were complaining the canals were too high. Council Member Schroeder called South Broward Drainage District and she was told they were pumping the canals as fast as they can. She advised the residents to drive with caution or stay home and wait for the rain to stop.

Mayor McKay praised everyone that had a hand in bringing the graduation parade to fruition. He said what a great job staff and Madison Sullivan and her family did bringing it all together and he was very happy to see Principal Fatout at the event. Mayor McKay stated everyone was thrilled and happy and he appreciates the kids and their families coming out and participating. Vice Mayor Schroeder asked if she could say something and thanked Council Member Hartmann for taking pictures of all the graduates in their cars and maybe he could reach out to Principal Fatout to let the kids know where they can go to download their pictures. Council Member Hartman replied that he was happy to do it and stated his pictures were on his Facebook page, but he would get in touch with Principal Fatout.

6. Legal Comments

Town Attorney Poliakoff congratulated the 2020 graduating seniors. He stated there was nothing new in the Legislature. The Governor still hasn't been presented with any of the Town's bills, so those projects are on hold for the time being.

7. Administration Comments

Town Administrator Berns also spoke on the graduation parade. He acknowledged that while it was nice to hear the praise, he owed his thanks to Assistant Town Administrator Muñiz, Debra

Ruesga and Danielle Caban for all their hard work behind the scenes. He thanked Madison Sullivan for her hard work and stubbornness, and he also wanted to thank Vice Mayor Schroeder as well. Vice Mayor Schroeder provided assistance, acted as a sounding board and was very helpful. Second, Town Administrator Berns provided an update on the fire assessment. He advised the Town is working with our consultant, who is running behind, and he hopes to have something to bring to the next Town Council meeting. Next, Town Administrator Berns spoke about the surtax and our drainage and infrastructure projects. They cleared the Oversight Committee and all the projects were approved. The next step is to go to the County Commission for approval, which will be on June 16, 2020. Lastly, Town Administrator Berns spoke on the Governor's Executive Order allowing virtual meetings is due to expire June 30th, 2020 and at this point that date has not been extended. He stated there have been requests from Miami-Dade County and he thinks there will be a request from Broward County to extend the virtual meeting order soon. He mentioned that some of the Town Council had spoken to him about the Archbishop McCarthy quasi-judicial items and wanted to have a public meeting to allow the public to voice their opinions. Town Administrator Berns then asked the Council what their opinions were on having a public meeting instead of a virtual meeting for the June 25, 2020 Town Council meeting. Mayor McKay, Vice Mayor Schroeder and Council Members Amundson and Jablonski all agreed to have the Town Council meeting in person, however Council Member Hartmann preferred a hybrid meeting, with the option of attending in person or virtually. Council Member Hartmann was not comfortable meeting in person yet, especially the way the number of virus cases keep rising. Council Member Jablonski stated since there are two meetings per month, he wouldn't mind having one Town Council meeting in person for hot button items and the other Town Council meeting virtually for housekeeping items. Town Attorney Poliakoff stepped in to clarify the conversation. He said he wanted to make sure the Council understood that whatever consensus is reached is only in the event the Governor extends the virtual meeting Executive Order which at the time, he had not. Town Attorney Poliakoff then stated if the Town Council does implement the hybrid meeting approach, he suggests they hold the quasi-judicial items at the in-person meetings and the meeting without quasi-judicial items can be held virtually. Town administrator Berns then asked Town Attorney Poliakoff if the Executive Order isn't extended, will the Town then be required to hold physical meetings. Town Attorney Poliakoff stated yes. Town Administrator Berns went on to ask if a physical meeting requires a quorum present but would still allow up to two Council Members to attend virtually? Town Attorney Poliakoff clarified the way the law reads it's only permitted for emergency purposes; he would have to render an opinion saying the fear of sickness from the disease constitutes an emergency. Technically speaking you are not supposed to vote while not at a meeting, but most municipalities in the county allow it, he would just have to write it up ahead of time. Council Member Jablonski asked the Town Attorney if the Town Council could be in the same building, just in different rooms and Town Attorney Poliakoff stated a quorum requires everyone to be in the same room. The Town Council could spread out on the Dais and the Town Administrator, Assistant Town Administrator/Town Clerk and the Town Attorney could be in another room. A quorum is required to be in the same room in the presence of each other. That is the legal requirement. Town Attorney Poliakoff also clarified the maximum number of people allowed to attend the meeting is 50, that's the law and a big portion of that number are participants. The Town will have to keep an eye on the numbers and allow people who cannot be in the Council Chambers to participate telephonically. Town Administrator Berns stated he now

has a sense of what the Town Council wants, and he will watch to see what the Governor does going forward.

Ordinance – 1st Reading

8. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING ORDINANCE 2002-005 AND THE TOWN'S COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP) AND ADOPTING A NEW CONTINUITY OF OPERATIONS PLAN (COOP) IN ORDER TO MINIMIZE HUMAN AND PROPERTY LOSSES AND TO PRESERVE THE CONTINUANCE OF THE TOWN'S MUNICIPAL ESSENTIAL OPERATIONS IN THE EVENT OF A NATURAL OR MANMADE DISASTER; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO APPROVE THE PLANS; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE ORDINANCE ON 1st READING WITH THE STIPULATION TO MAKE THE FOLLOWING AMENDMENT TO THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP): PAGE 6, UNDER "CONTENTS OF DECLARATION", LETTER "A" , SHALL NOW READ, "TOWN ADMINISTRATOR OR TOWN COUNCIL".

Resolutions

9. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY PROVIDING FOR THE DEVELOPMENT OF EMERGENCY ORDERS RELATED TO COVID-19 AND THE REIMBURSEMENT BY THE COUNTY TO THE TOWN FOR DEVELOPMENT FUNCTIONS RELATED TO SAID EMERGENCY ORDERS; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

MOTION: TO APPROVE THE RESOLUTION.

10. Approval of Minutes

a. May 28, 2020 Regular Meeting

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

MOTION: TO APPROVE THE MINUTES.

11. Adjournment - Meeting was adjourned at 7:50 p.m.

Respectfully submitted:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this day of 9th 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.