

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

March 22, 2018

13400 Griffin Road

Present:

Mayor Doug McKay

Town Administrator Andrew D. Berns

Vice Mayor Freddy Fisikelli

Russell Muñiz, Assistant Town Administrator/Town Clerk

Council Member Steve Breitzkreuz

Martin D. Sherwood, Town Financial Administrator

Council Member Gary Jablonski

Keith Poliakoff, Town Attorney

Council Member 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 7:00 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: David Kuczenski, Bob Hartmann, Mike Hanley, Gay Chaples, Mario Tapanes, and Tommy Pinder.

4. Board Reports

None reported.

5. Council Member Comments

Council Member Schroeder wished everyone a Happy Easter and Passover.

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

MOTION: TO APPOINT ROBERT SIROTA TO THE RURAL PUBLIC ARTS BOARD AS AN AT-LARGE APPOINTEE.

Council Member Breitzkreuz spoke of the dilemma faced by the residents and the Town in dealing with nursery uses. He felt in some instances the rules were being abused by commercial nurseries. He assured residents that this issue was something that he and the Town were seeking to fix. He also indicated that the Town was experiencing issues with people building without a permit. He felt that the current Town policy does not adequately deter people from building without a permit. He asked that the Drainage Infrastructure Advisory Board (DIAB) look into devising a way to create a punitive system for contractors who habitually perform construction without a permit. Council Member Jablonski questioned if DIAB was the right committee to look into this. He felt that more teeth needed to be added to this and felt that if the contractor started doing work without a permit they should be required to remove all of the construction done without a permit. Council Member Schroeder agreed that the contractor should be required to remove all of the unpermitted work.

Council Member Breitkreuz also spoke about a resident who was being negatively impacted by nursery traffic on SW 63rd Street between 188th and 190th Avenue. He asked that a stop sign be installed to slow traffic from the nurseries in that area. Lastly he asked that the Town investigate the possibility of building an access road south of SW 63rd Street west of SW 185th Avenue, east of 190th Avenue all the way through to Sheridan Street. He believed that this would alleviate many of the traffic issues encountered by area residents. He indicated he wished to work with Town Administration on this issue.

Council Member Jablonski also wished everyone a Happy Easter and Passover. He urged everyone to attend the Rolling Oaks Spring Egg Hunt on Saturday May 24th. He thanked the residents who attended to speak in opposition to the nursery that is opening on SW 130th Avenue. He assured residents the Town was taking this issue seriously and would do everything possible to address their concerns.

Mayor McKay indicated that he was working with the residents on SW 130th Avenue on the nursery issue and asked that if any issues should arise that residents contact the Town. He indicated that Code Enforcement would respond to issues raised. He asked the Town Council if there was any interest in renting out the Town owned five acres on Griffin Road to store fill for a specified time. He had been approached about the Town's interest in entering into a ground lease to store the dirt for one year. He indicated that the developer was willing to pay the Town \$60,000 for this one year term. Town Attorney Poliakoff cautioned that there would be tax implications for accepting the payment from a private corporation. Town Financial Administrator Sherwood felt that the Town needed more time to look into this issue and confer with the Broward County Property Appraiser's office. Town Administrator Berns felt that the Town could look into this issue and report back to the Town Council at the next meeting. Council Member Breitkreuz was concerned about the unsightliness of the site while fill was being deposited in the site. Council Member Jablonski was concerned about the impact to the neighborhood and felt any agreement should provide for access to the site only from Griffin Road. He also wanted the community notified. Town Administrator Berns indicated that Town Attorney Poliakoff would draft an agreement that would address all of the concerns raised by the Town Council.

6. Legal Comments

Town Attorney Poliakoff indicated that the proposed ground lease should be for a one year term with additional 30 days renewals that could be terminated by either party. He summarized the concerns raised by the Town Council to ensure that he would include them in the contract to be brought forward at a future Town Council meeting. Addressing concerns raised by the Town Council earlier in the meeting he believed that contractors caught building without a permit should be assessed a double fee and should be reported to the State by the Town's building department services provider. He spoke about the history of the Town's zoning categories and nursery uses. He stated that it might be time for the Town Council to consider a Code Amendment that would require any new nurseries would require a special exception of the Town Council to ensure that the new nursery would meet criteria established by the Town Council. Council Member Schroeder felt that if material wasn't grown on a property then it shouldn't be considered a nursery. Council Member Jablonski felt the issue should go to the Comprehensive Plan Advisory Board for review and then back to the Town Council. The remainder of the Town Council agreed. Town Attorney

Poliakoff congratulated Tom Good for being elected to the Pembroke Pines City Commission. He advised that the Town was successful in consolidating our case against Pembroke Pines with Core Civic Group (f/k/a/ Corrections Corporation of America). He believed that both cases against Pembroke Pines were at the same stage in needing to prove damages. Consolidating the case was beneficial to the Town because Core Civic would be paying for the litigation.

7. Administration Comments

Town Administrator Berns indicated that he had met with the Mayor and some of the residents on SW 130th Avenue about the nursery issue and assured the residents that the Town would work with them and through Code to enforce the applicable rules and make the nursery a good neighbor. He advised that Governor Scott did sign the State budget and thanked Mayor McKay and Council Member Schroeder for their efforts during Broward Days. The Town was able to secure \$500,000 in State funding for various drainage projects around the Town. He also provided an update on the fire station modular.

Assistant Town Administrator/Town Clerk Muñiz advised that Pembroke Pines had recently put out an RFP for a water looping system. The RFP indicates that they are proposing to lay water lines down that would be adjacent to Town properties and clearly in our service areas. He indicated it was unclear what the purpose of this project was, but he would allow the Town Council to formulate their own conclusions. Town Attorney Poliakoff urged the Town Council to contact Tom Good about this issue.

Mayor McKay asked Town Attorney Poliakoff to provide an update on the status of the Rosenbauer fire truck, and the barn property that the Town had placed a lien on that was then sold. Town Attorney Poliakoff spoke of the letters written on this issue and advised that there was confusion on the part of the Rosenbauer legal team and their service outlets. He was hopeful that the issues could be resolved but if they were not a lawsuit would be filed. Regarding the code enforcement action, Town Attorney Poliakoff advised that the Court sold a property that the Town had foreclosed on. He indicated there were a "hodgepodge" of issues but the property was now owned by the adjacent property owner and he was seeking to remedy this issue.

Resolutions

8. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE USE OF FUNDS FROM A NEW EMERGENCY LINE OF CREDIT TO BE USED TO REIMBURSE THE TOWN FOR COSTS INCURRED IN CONNECTION WITH HURRICANE IRMA FOR DEBRIS REMOVAL AND RELATED EXPENSES (THE "PROJECT"); DECLARING ITS OFFICIAL INTENTION TO FINANCE THE COSTS OF THE PROJECT THROUGH ISSUANCE OF A NOTE FOR A NEW EMERGENCY LINE OF CREDIT; AND PROVIDING FOR AN EFFECTIVE DATE.

The following motion was made by Council Member Breitkreuz, seconded by Vice Mayor Fisikelli and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Jablonski, Schroeder, Vice Mayor Fisikelli, 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 AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY, FLORIDA FOR THE USE OF TEMPORARY DEBRIS MANAGEMENT SITES FOLLOWING A NATURAL OR MAN-MADE DISASTER; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Breitzkreuz, seconded by Council Member Jablonski and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitzkreuz, Jablonski, Schroeder, Vice Mayor Fisikelli, 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 AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE ORIGINAL GAS TAX; 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 Breitzkreuz, seconded by Council Member Schroeder and passed by 5-0 roll call vote. The vote was as follows: Council Members Breitzkreuz, Jablonski, Schroeder, Vice Mayor Fisikelli, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE RESOLUTION.

- 11.** Approval of Minutes
a. February 8, 2018 - Regular Meeting

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

MOTION: TO APPROVE THE MINUTES.

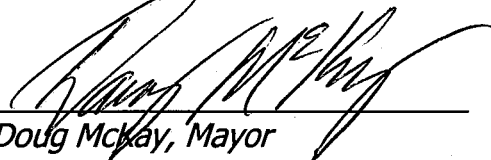
12. Adjournment - Meeting was adjourned at 8:29 p.m.

Respectfully submitted:



Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

*Adopted by the Town Council on
this 10th day of May, 2018.*



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.