

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

January 24, 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 Freddy Fisikelli
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 7:04 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

3. Recognition of Sikh Society of Florida for Military Heroes Support Foundation Holiday Drive Donation

4. Recognition of 2019 Mr. & Miss Southwest Ranches Pageant Winners

5. Public Comment

The following members of the public addressed the Town Council: George Cailis, David Sears, Gay Chaples, Newell Hollingsworth, and David Kuczenski.

6. Board Reports

George Morris, Vice Chair of the Comprehensive Planning Board asked Council to extend the date of the Nursery Ordinance Project Review to the meeting scheduled for March 28, 2019.

The following motion was made by Council Member Hartmann, 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 EXTEND THE DATE NURSERY ORDINANCE PROJECT REVIEW TO MARCH 28, 2019 MEETING.

Gay Chaples, Chair of the Parks Board expressed the need for funding the parks which need work, especially the ones out in the west area of Town.

Also, there is an issue with flooding at the Rolling Oaks Park due to lack of drainage.

7. Council Member Comments

Council Member Schroeder welcomed all the new advisory board members that have joined this year. She also welcomed Jeff Hobales, our new detective to the Town. In addition, Council

Member Schroeder expressed her condolences to the Fisikelli, Breitzkreuz, and Whim families for their recent losses.

Vice Mayor Jablonski reported that the South Florida Water Management District will be removing many Ficus trees west of I-75 by the C-11 canal. Also, he pointed out that there is an error on our February Town Newsletter about the Hazardous Household Waste event. The event is scheduled for March 9th, not February 9th. Vice Mayor Jablonski advised of upcoming events such as the Garage Sale on February 16th, Hawkes Bluff Food Truck Event on January 25th, and the DMV Flow Mobile on February 28th.

He congratulated the pageant winners. He especially gave kudos to Kathy Sullivan, Chairperson of the Schools and Education Advisory Board, for the successful Mr. & Miss Southwest Ranches Pageant. Vice Mayor Jablonski's thoughts and prayers go out to the Fisikelli and the Breitzkreuz families for their losses.

Council Member Hartmann requested a moment of silence for the three persons who recently passed. Next, he spoke about the Ring Video Doorbell which posts robberies and burglaries in the neighborhood. He wanted to make everybody aware that burglars are looking for car doors to open. He advised that if anyone sees something, say something and call the police.

Also, he shared that one of the main topics being discussed at many of the Town's Homeowners Association meetings is the problem with speeding drivers. He welcomed Detective Jeff Hobales to the Town. Lastly, Council Member Hartmann stated that he enjoyed attending the Mr. & Miss Southwest Ranches Pageant.

Mayor McKay expressed condolences on the passing of Sarah Fisikelli and all the others previously mentioned. He was one of the judges at the pageant, and had a great time. The Mayor said it was fun to watch, and is looking forward to it again next year. Lastly, he invited everyone to attend the Food Truck Fundraiser on Friday, January 25th.

8. Legal Comments

Town Attorney Poliakoff condolences to the Fisikelli, Breitzkreuz, and Stuart families. He congratulated Kathy Sullivan in her efforts to continue awarding scholarships to our Town's young residents. He mentioned that his wife's car was burglarized, but the Ring Video Doorbell captured the robber trying to smash the window in order to get into the car. He urged everyone to call Davie Police to report anything that may seem suspicious.

Town Attorney Poliakoff explained to Town Council and residents the reason why the Town is being sued. He attended the first hearing in the Palomino Right-of Way Case. He explained that Palomino Drive is a unique street in Sunshine Ranches because the county created it with a swale and a horse trail only on one side of the road. After conducting property research on the side of the swale, a developer built two homes on the property. Three years after building the homes, the county as a condition precedent to issuing the certificate of occupancy, said that 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.

The owner of the property adjacent to Mr. McBride obtained a building permit for a wall using a fraudulent survey indicating that they owned the swale. When the Town discovered the impropriety they advised the property owner that if they should ever need a building permit in the future they will need to move the wall back onto their property. Before purchasing the property, Mr. McBride met with Mayor McKay, who advised him of putting the fence on his property, and not on the right of way.

A hurricane blew the whole fence down. In an effort to put up a new fence, Mr. McBride submitted an after the fact survey for a new fence. Code Enforcement Director, Robert Solera denied the permit because the survey showed that the swale did not belong to Mr. McBride, but to the Town.

McBride is suing the Town for alleged abuse of power, because the Town is asking him to put the fence out of the swale and back onto his property. At the hearing, the judge recommended to go to mediation for thirty days to discuss the issue. As a result, the judge eluded to the fact that there needed to be a different cause of action file to confirm the title ownership of the property. Therefore, the Town will have to file a quiet Title Action to get a summary judgement from the judge to confirm that the Town owns the property. Hopefully, this will resolve the issue once and for all.

9. Administration Comments

Town Administrator Berns added his condolences to the Fisikelli family. In response to Vice Mayor Jablonski and Council Member Hartmann's previous comments about the tree trimmings, he informed that the South Florida Water Management is following a mandate from the State that involves removing all trees growing out of the canal banks. Only the trees that are back from the canal bank will be left, but trees on the canal banks will be taken down. They are starting from US-27 West all the way to 441 working towards the East.

In addition, he announced that there are two items on the agenda that will be postponed for the next Town Council Meeting. The first item postponed is an award for construction improvement, however the insurance has not yet been resolved. Town Financial Administrator Sherwood is currently working on it. The second item postponed is the annual review of Charter Officials, because Town Administrator Berns feels that a full Council be present in order to participate in the discussion.

Also, Town Administrator Berns explained that the noise complaints recently made by some residents was addressed at a previous meeting with Acting Chief Dale Engle from Davie Police Department in an effort to come up with creative steps in order to correct the problem. In addition, Town Administrator Berns explained that the concern about speeding drivers has been an issue for an extended period of time, especially with hot spots throughout Town. However, he has made the Acting Chief Engle and Service Aide Tommy Squarini aware of the issue and are

working together to come up with a solution. He also welcomed Detective Jeff Hobales to the Town family.

Lastly, Town Administrator Berns mentioned the previous conversation he had with Town Attorney Poliakoff about the potential expansion proliferation of the 5G Cell Service. He advised Town Attorney Poliakoff that Council is supportive if a legal class action litigation should be needed. The Town Attorney replied to Town Administrator Berns that he will look into this issue and come back at a later meeting with the costs.

Ordinance – 2nd Reading

10. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ADOPTING THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2019-2023 PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {APPROVED ON FIRST READING – DECEMBER 13, 2018}

The following motion was made by Vice Mayor Jablonski, 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 ORDINANCE.

Resolutions

11. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ASSURING THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT, AND THE DEPARTMENT OF HOMELAND SECURITY'S FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) WITH EFFECTIVE ENFORCEMENT, TO IMPLEMENT AN NFIP-COMPLIANT PROGRAM; VESTING THE TOWN'S FLOODPLAIN ADMINISTRATOR WITH THE RESPONSIBILITY, AUTHORITY, AND MEANS TO IMPLEMENT PERFORMANCE MEASURES TO ACHIEVE ELIGIBILITY FOR THE COMMUNITY RATING SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Vice Mayor Jablonski 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 RESOLUTION.

12. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PURCHASE ORDER BY PIGGYBACKING OFF OF THE CITY OF FORT LAUDERDALE'S AGREEMENT WITH E-SCIENCES INCORPORATED IN THE AMOUNT OF ELEVEN THOUSAND DOLLARS AND ZERO CENTS (\$11,000.00) FOR ENVIRONMENTAL PERMITTING SERVICES FOR THE BACTERIAL POLLUTION CONTROL PLAN IN ACCORDANCE WITH THE TOWN'S FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

PERMIT NUMBER FLS000016-004; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE PURCHASE ORDER; AND PROVIDING AN EFFECTIVE DATE.

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

13. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING A PURCHASE ORDER WITH CRAIG A. SMITH AND ASSOCIATES IN THE AMOUNT OF SEVENTY-SEVEN THOUSAND TEN DOLLARS AND ZERO CENTS (\$77,010.00) FOR ENGINEERING AND DESIGN SERVICES, BIDDING ASSISTANCE, AND CONSTRUCTION PHASE SERVICES FOR THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FUNDED GREEN MEADOWS DRAINAGE IMPROVEMENTS; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE PURCHASE ORDER; AND PROVIDING AN EFFECTIVE DATE.

The following motion was made by Council Member Schroeder, seconded by Vice Mayor Jablonski, 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 FISIKELLI'S ABSENCE.

14. 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 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 EXTEND THE NURSERY ORDINANCE.

Discussion

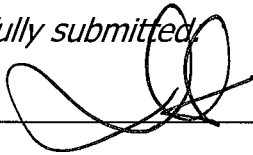
- 15.** Annual Review of Charter Officials
Item was moved to February 28, 2019.
- 16.** Approval of Minutes
a. December 13, 2018 – Regular Meeting

The following motion was made by Council Member Hartmann, 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.

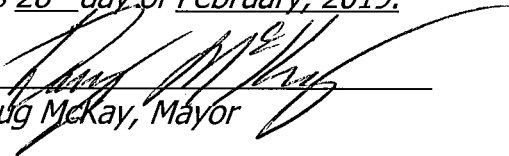
17. Adjournment - Meeting was adjourned at 8:45 PM.

Respectfully submitted,



Ivette Solera, Deputy Town Clerk, CMC

*Adopted by the Town Council on
this 28th day of February, 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.