

REGULAR MEETING MINUTES OF THE TOWN COUNCIL
Southwest Ranches, Florida

Thursday 7:00 PM

January 23, 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 at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor McKay at 7:05 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

3. Shiva Vishnu Rezoning – ITEM WITHDRAWN BY APPLICANT

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING APPLICATION RZ-21-18 BY SHIVA VSHNU TEMPLE OF SOUTH FLORIDA, INC., TO REZONE 1.67 ACRES FROM RURAL ESTATE DISTRICT TO COMMUNITY FACILITY DISTRICT, GENERALLY LOCATED ON THE WEST SIDE OF DYKES ROAD ONE-QUARTER MILE NORTH OF STIRLING ROAD; PROVIDING FOR THE TOWN PLANNER TO UPDATE THE OFFICIAL ZONING MAP; PROVIDING AN EFFECTIVE DATE.

4. Public Comment

The following members of the public addressed the Town Council: Robert Lewin, David Kuczenski, Newell Hollingsworth, Fred Segal, Jim Laskey. Mayor McKay recognized Weston Commissioner Mary Macfie prior to the public comment section.

5. Board Reports

No reports were made.

6. Council Member Comments

Council Member Jablonski spoke about upcoming events, such as the Love My Pony Fun Horse Show, the 5K Unity Run, Bingo at the Barn, the Flow-Mobile and President's Day Town Hall Closure. He also spoke about the yearly surplus of the budget. This year the projected surplus is approximately \$1 million due to outstanding management of the Town and a better revenue stream. Council Member Jablonski requested input from the Council and possibly the public regarding the usage of the extra funds. He suggested drainage projects, park projects, road striping, street signage, as possible projects for next year's budget or put it in the reserves. He suggests working on it in the next couple of months and providing a project list to the Town Administrator.

Council Member Hartmann asked about the water issue that was raised by Robert Lewin during the Public Comment section. Town Attorney Poliakoff provided history regarding the Lewin water

issue. This included the permitting process through the Town and the City of Cooper City. He advised the County is looking to change the law regarding replacing wells/septic systems with city utilities. The issue at hand is if Mr. Lewin gets his water from Cooper City Utilities it may cause a domino effect and the County may require all his neighbors within a certain radius to convert from well/septic systems to city utilities as well. The Town Attorney then asked the Council if they want to take the risk and allow Mr. Lewin to connect his water now or wait until the County decides. The Town Attorney also suggested a third option which entails Mr. Lewin contacting all property owners in writing within a quarter mile from his property and advise them if he connects to a water line there is a possibility that it may force them to connect as well. If they remain silent, he at least has proof that he advised the residents ahead of time by providing written notice.

Vice Mayor Schroeder asked why this is happening and the Town Attorney stated the County believes, based on Flint, Michigan and other issues nationwide, ground water could be contaminated as a result of all the septic tanks. The County believes getting rid of well water and septic tanks, it would cure a lot of issues that people are causing the environment. Town Attorney Poliakoff has requested from the County to add an exemption for Rural Ranches and Rural Estate properties. He is waiting for the County to complete the legal language and then the amendments can be proposed.

Council Member Hartmann also spoke about a letter he received from a property owner regarding the nursery ordinance. The property owner has a tenant ready to move in, they made the necessary property improvements the Town and South Broward Drainage District requires to issue a Certificate of Use. According to the property owner, the Zoning in Progress is blocking them from moving forward. Town Attorney Poliakoff stated the Town doesn't have a Zoning in Progress any longer. He sent Town Administrator Berns confirmation of this information and the property owners are now in compliance and can move forward.

Council Member Hartmann then asked Town Attorney Poliakoff to verify the Town is zoned Rural Ranches or Rural Estates. Town Attorney Poliakoff clarified that most properties in the Town are Rural Ranches and Rural Estates Land Use. Town Attorney Poliakoff advised he spoke with Mr. Kleiman (Robert Lewin's attorney) and suggested they send out the notice to the properties within the quarter mile and see if there is opposition and if nobody opposes, include it on the Town Council's agenda. Mayor McKay asked for James Starkweather to come to the microphone and explain what Senator Geller said about the water/septic tank issue and the possible exemption for Southwest Ranches. Council Member Hartmann clarified the reasoning behind the State wanting to do away with water/septic systems. He also thanked Newell Hollingsworth for bringing to the Town's attention the problem with the bulk garbage not being picked up.

Council Member Amundson offered no comments.

Vice Mayor Schroeder offered no comments.

Mayor McKay spoke about his trip to Tallahassee. He said the meetings went very well. The Town put in for four projects and the Mayor hopes at least two will get approved for funding.

7. Legal Comments

Town Attorney Poliakoff asked the Council their consensus on Robert Lewin's water hookup issue. Council Member Amundson wanted to wait for the outcome at the State and County levels. The Mayor suggested they give it until the next County Commission Meeting. If a Special Meeting needs to be arranged, the Council will discuss it at the next Council Meeting. Cooper City has agreed to language if the Lewins do connect to their water it will be prohibited to run any additional lines from their utility to Southwest Ranches unless the Town Council consents. Town Attorney Poliakoff suggested the Lewins go ahead and to send out the notices to the surrounding properties, so at least by the next Council Meeting, the number of objections will be known.

8. Administrative Comments

Town Administrator Berns recognized the Town of Davie's Assistant Fire Chief, Rudy Napolitano on his retirement. The Town Administrator also recognized Assistant Chief Napolitano's replacement Alan Seldal.

Town Administrator Berns gave an update on the Fire Assessment Study that was put out to bid. There were two proposals that were received, and the Selection Review Committee met January 22, 2020 and ranked the proposals. Staff is in the process of preparing the item to go on the agenda for the first meeting in February to keep on schedule. The vendor laid out a timeline that would allow the Town to complete this year. Once the contract is in place, the Town Council and the Fire Assessment Committee can meet with the vendor.

Town Administrator Berns also pointed out the new bench placed at the Town Hall entrance in memory of former Council Member Freddy Fisikelli and a plaque has been installed at Country Estates Park for him as well, it references both the Park and the Fishing Hole that he loved so much. Finally, Town Administrator Berns advised the meeting schedule needed some changes due to budget scheduling issues. The July 23, 2020 meeting will need to be rescheduled to July 30, 2020, so there isn't any conflict with the School Board. The September 10, 2020 meeting needs to be moved to Monday, September 14, 2020 so as not to conflict with the County. He is asking for a motion to approve the changes to the meeting calendar.

The following motion was made by Council Member Jablonski, 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 reschedule the July 23, 2020 meeting to July 30, 2020 and the September 10, 2020 meeting to September 14, 2020.

Ordinance – 1st Reading

9. AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA ADOPTING THE TOWN OF SOUTHWEST RANCHES RURAL IDENTIFICATION PROGRAM MANUAL FOR ALL NEW IDENTIFICATION SIGNS PLACED ON TOWN PROPERTY INCLUDING BUT NOT LIMITED TO, THE TOWN'S RIGHT OF WAY; REQUIRING ALL IDENTIFICATION SIGNAGE LOCATED ON TOWN PROPERTY TO OBTAIN TOWN APPROVAL PRIOR TO INSTALLATION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Second Reading to be held on February 13, 2020}**

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 ORDINANCE.

Town Administrator Berns asked the Council to indulge the Chair of the Rural Public Arts Board Joan Boyd prior to opening for Public Comment. Town Attorney Poliakoff clarified this ordinance was not intended to include D.O.T. required signage such as street signs.

Joan Boyd expressed her appreciation to everyone that helped the Board, as this manual was a long time coming and a lot of hard work. Town Attorney Poliakoff clarified the issues that were raised by the public regarding the missing exhibit.

The following amended 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 ORDINANCE WITH THE RURAL IDENTIFICATION PROGRAM SIGN MANUAL ATTACHED AS AN EXHIBIT.

Discussion**10. Nursery Ordinance Update – Town Administrator Berns**

Town Administrator Berns spoke about the Nursery Ordinance that was withdrawn from the December 12, 2019, Town Council Meeting. He stated at that time many residents came out and raised their concerns. The item was withdrawn, and the Town Council tasked the Town Administrator with going through the ordinance, meeting with the Town Council individually and then working with staff to try and simplify the components of the ordinance. The Town Administrator then provided a document to the Town Council which outlined the consensus of the meetings he had with each of the Council Members. There were some items that the Council agreed upon and there were others that needed further discussion. He advised that he couldn't have had the document on the agenda or given it to them prior to the meeting for Sunshine Law purposes. He asked for guidance from the Town Council. Town Administrator Berns then advised the Town Council, based on the meeting consensus, they can decide if they would like to schedule this item for further discussion, draft a revised ordinance based on the input and bring it back, or discard the document. Town Administrator Berns also reminded Council that any item to be

considered to move forward requires the consent of all five Council Members. If there are any objections to issues raised, the item would be discarded.

The items discussed were:

Section 2 – Definitions – Town Council in agreement to leave as is.

Section 3A - The original intent of the section was to regulate retail landscape nurseries and require them to have a Certificate of Use. Since the item already exists within the Code, section 3A has been struck through.

Section 3B – Item struck through.

Section 3C – Item stays in.

Section 4(C)(3) A- Item stays in as is.

Section 4(C)(3) B – Item struck through.

Section 4(C)(3)C – Item struck through.

Section J(2) – Prohibit the sale of motorized equipment and small decorative fountains are not considered incidental and should not be included.

Section J(2)(c) – Leave item as is. This is existing language; it was just moved from another location.

Section J(3) – Item struck though.

Section K – Item stays as is.

Section K(1) - Item stays as is.

Section K(2) - Item stays as is.

Section K(3)A – Item stays as is with the following exception to read: "1-time six-month extension may be granted by the Town Administrator"

Section K(4) – Item stays as is with the addition of commercial waste collection requirement.

Section X – Item excluding special exception use permit language.

Section 045-050 –Item was left as is to provide clarification that this activity is already prohibited in the Code but would be easier to locate in the Code.

The Town Council directed Town Administrator Berns to draft a revised ordinance, based on guidance provided. Once revised the ordinance will be given to Town Council for review and then it will be scheduled for public hearing.

11. Approval of Minutes

- a. November 12, 2019 Regular Meeting

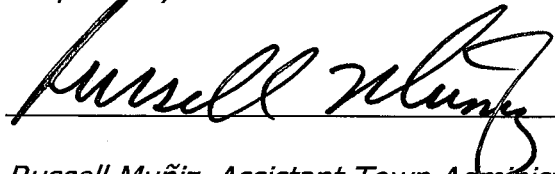
The following motion was made by Council Member Jablonski, seconded by Council Member Hartmann and passed by 5-0 roll call vote. The vote was as follows: Council Members Amundson, Hartmann, Jablonski, Vice Mayor Schroeder, and Mayor McKay voting Yes.

MOTION: TO APPROVE THE MINUTES.

12. Adjournment

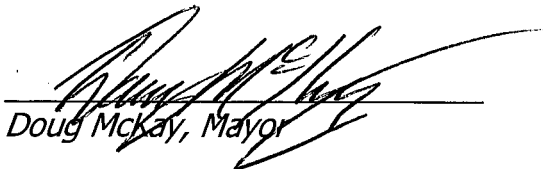
Meeting was adjourned at 8:39 p.m.

Respectfully submitted:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Adopted by the Town Council on this day of



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.