

**SOUTH BROWARD DRAINAGE DISTRICT  
BOARD OF SUPERVISORS MEETING  
\*\*\*\* AGENDA \*\*\*\*  
THURSDAY, JANUARY 11, 2007**

(NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON)

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE

02. PUBLIC COMMENT

03. APPROVALS:

- A. OCTOBER 26, 2006, JOINT SBDD/SWR MEETING MINUTES
- B. NOVEMBER 30, 2006, BOARD MEETING MINUTES
- C. DECEMBER 14, 2006, MANAGEMENT COMMITTEE MEETING MINUTES

04. DIRECTOR'S REPORT:

- A. LAKE-MAINTENANCE EASEMENT TREE POLICY
- B. SOUTH FLORIDA WATER MANAGEMENT DISTRICT
- C. VARIANCES:
  - 1. FALKNER
  - 2. SYKES
  - 3. GALLAGHER
  - 4. GWALTNEY
  - 5. OTHER
- D. NATIONAL RESOURCE CONSERVATION SERVICES AGREEMENT
- E. TAX DISCUSSION
- F. SOUTHBRIDGE & PEMBROKE FALLS BID AWARDS/LAKE-SHORE RESTORATION PROJECTS
- G. EMPLOYEE HOLIDAY POLICY
- H. OTHER

05. ATTORNEY'S REPORT:

- A. LEGISLATION UPDATE
- B. OTHER

06. APPROVAL OF LEGAL BILLS

07. BOARD MEMBERS QUESTIONS/COMMENTS

08. OTHER

09. MEETING DATES:

- A. BOARD OF SUPERVISORS MEETING - THURSDAY, FEBRUARY 22, 2007,  
9:30 A.M.,
- B. MANAGEMENT COMMITTEE MEETING - SET DATE

10. ADJOURNMENT

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ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING/MEETING MAY NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE MAY WISH TO INSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD IS TO BE USED FOR TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL WOULD BE BASED. IN ACCORDANCE W/THE AMERICANS W/DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS W/DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE DISTRICT AT (954) 680-3337 AT LEAST 48 HOURS PRIOR TO THE PROCEEDINGS FOR ASSISTANCE.

**SOUTH BROWARD DRAINAGE DISTRICT  
GOVERNING BOARD MEETING MINUTES  
JANUARY 11, 2007**

**Members Present:**

Jack McCluskey, President  
Scott Hodges, Vice President  
Carl J. Lanke, Treasurer  
James Ryan, Secretary  
John Eastman, Supervisor  
Robert Goggin IV Supervisor  
Alana Mersinger, Supervisor.

Leo M. Schwartzberg, District Director  
Lisa Alvarez, Paralegal for Douglas R.  
Bell, District Legal Counsel  
Joann Long, Recording Secretary  
Shahin Hekmat, CG&A/District Engineers  
Jose Lopez, SFWMD

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**01. Call to Order/Pledge of Allegiance**

Meeting called to order at 9:30 A.M. followed by the Pledge of Allegiance.

**02. Public Comment(s) - None**

**03. Approvals/Minutes**

October 26, 2006, joint SBDD/SWR meeting minutes approved unanimously per motion by Mr. Ryan and second by Mr. Hodges.

November 30, 2006, Board meeting minutes approved unanimously per motion by Mr. Hodges, second by Mr. Ryan.

December 14, 2006, Management Committee meeting minutes approved unanimously per motion by Mr. Hodges, second by Mr. Goggin.

**04. Tree Policy Draft**

(See copy of Leo Schwartzberg first draft, attached). Staff recommended coconut palms be added to the list of undesirable trees.

Mrs. Mersinger felt the District has to have something “definite” in order to be consistent. Mr. Ryan felt each case must be considered individually. While the Board agreed with Mr. Schwartzberg on allowing planting within the upper 10' of lake-maintenance easements, it was stressed that those 10' are not being vacated and still remain under the District’s jurisdiction.

Mr. Ryan moved to adopt the Tree Policy as recommended by the District Director with an amendment that planting would be allowed in the upland 10' of the lake-maintenance easements. Motion seconded by Mrs. Mersinger. Carried by a unanimous roll-call vote.

**05. SFWMD/Acceler8 Project**

Mr. Jose Lopez of SFWMD briefly discussed their \$700,000, Acceler8 Project which is intended to alter the timing and distribution of water currently entering the natural system. The purpose of this alteration is to moderate the extreme fluctuations of water levels within WCAs 3A and 3B (which form part of the remaining historical Everglades) to more closely mimic natural conditions. Meetings on the issue continue with all welcome to attend and provide their input. (See attached SFWMD Public Meetings Notice.)

## 06. Variance Requests

A. Falkner (1341 N. W. 114 Avenue, Pembroke Pines, aka Pembroke Lakes Section 6, Lot 23, Block 53). Request is to allow trees to remain in the easement. (Previously, he agreed to remove the electrical work from said area.) Motion by Ms. Mersinger to allow trees to remain in easement except for those within 10' of the design-waters edge. Second by Mr. Hodges. Unanimously approved per roll-call vote.

B. Sykes (8700 N. W. 7 Court, Pembroke Pines, aka Lot 19, Block 7, Westview Section One Part Two). Request to allow seawall that was not constructed in accordance with SBDD criteria to remain "as is". Based on Mr. Schwartzberg's position that it would constitute a legitimate hardship were the existing wall to have to be removed, Mr. Ryan moved to allow the seawall to remain. Motion seconded by Mr. Hodges and carried unanimously per roll-call vote.

C. Gallagher (1541 N. W. 114 Avenue, Pembroke Pines, Lot 9, Block 53, Pembroke Lakes Section Six). Landscaping and electrical request. Motion to allow trees to remain but require removal of electric from the easement made by Mr. Hodges, seconded by Mr. Ryan, carried by unanimous roll-call vote.

D. Gwaltney (720 N. W. 93 Terrace, Pembroke Pines, aka Lot 57, Block 24, Pasadena Lakes South). Request to leave three black-olive trees in the lake-maintenance easement (these trees are not on the County-approved list). Motion to deny made by Mr. Goggin, seconded by Mr. Hodges and carried by unanimous roll-call vote.

## 07. Natural Resource Conservation Service (NRCS) Time Extension

As a result of the District's decision not to fund the overall erosion project at this time, the District will not be able to spend all of the funds that NRCS had set aside for that purpose. To acknowledge the funds will not be spent, NRCS has issued an additional agreement decreasing the funds that will be made available by \$3,150,000. NRCS requires the agencies receiving their funds to officially accept, via letter, the change to the agreement allowing the time extension. Motion to approve Mr. Schwartzberg's providing such a letter to NRCS made by Mr. Ryan, seconded by Mr. Hodges; carried unanimously via roll-call vote.

## 08. Taxes

(See attached Leo Schwartzberg memorandum.) There were some questions on the chart information provided all by Mr. Bell. He will be asked to provide clarification at the next meeting. Mr. Hodges moved that this item be tabled until Mr. Bell is present. Second by Mr. Ryan.

Mr. Ryan recommended that Mr. Lanke work with Messrs. Bell and Schwartzberg on this issue. All agreed.

Mr. Goggin felt the Board must be very careful when approaching property owners about this, as the intention is not to increase taxes but to get the same amount of money via a more equitable rates to all property owners within SBDD. This would increase taxes for mostly the commercial and industrial properties and some large-acreage properties but decrease taxes for the overall majority within the District.

Mr. Eastman suggested considering the percentage of impervious property on a parcel when setting the tax rates.

Mr. Eastman recommended against using Mr. Bell until such time he is really needed. Mr. Schwartzberg responded that Mr. Bell has a wealth of knowledge about taxation and what SBDD can and cannot do. While we can perhaps minimize his time, his help will

still be needed.

A vote on the motion to table his item until Mr. Bell is presented carried by a unanimous vote.

**09. Pembroke Falls & Southbridge Shoreline Restoration Projects**

(See attached memorandum for bid information.) Mr. Schwartzberg recommended awarding the bids to Erosion Restoration, LLC (\$49,950 for Southbridge and \$95,500 for Pembroke Falls). Motion by Mr. Ryan for approval of Mr. Schwartzberg's recommendation(s) for the two shoreline-restoration projects; second by Mr. Hodges. Carried unanimously by roll-call vote.

**10. Employee Holiday Pay**

The District's Employee handbook provides that new staff members who are in their probationary period are not eligible for holiday pay during that probationary period. Mr. Schwartzberg requested that this be changed whereby ALL full-time employees are entitled to paid holidays, this to be retroactive to Christmas of 2006. Mr. Hodges moved to approve Mr. Schwartzberg's request of holiday pay for all full-time staff members. Motion seconded by Mrs. Mersinger and carried by unanimous roll-call vote.

**11. Legislation Update**

Ms. Alvarez explained that the District's housekeeping Bill passed unanimously at local level and is moving forward at State level.

**12. Legal Bills**

Mr. Eastman noted that Mr. Bell's bills continue to be very high as evidenced by the charges for housekeeping Bill for legislation.

Mr. Lanke moved for approval of Mr. Bell's legal bills as submitted. Motion seconded by Mr. Hodges; carried by unanimous vote.

**13. SBDD Shirts**

After discussion, it was agreed that any Board member wishing to have a SBDD shirt can do so at his/her own cost. The District will provide badges.

**14. Miscellaneous Information**

It was noted that some comments made between Mr. Eastman and Mr. McCluskey at the October 6, 2006, Board meeting were made based on a misunderstanding.

**15. Basins S-9/S-10 Update**

Per question by Mr. Eastman, the District has plugged the Cemetery Trails Canal and the Trails Canal and removed the one separating the Trails Lake and Canal 13-A. The weir in the Trails Canal has also been removed.

**16. Town of Southwest Ranches Meeting**

Mr. Schwartzberg was asked to attend the January 16<sup>th</sup> meeting of the Town regarding drainage control elevations and other drainage matters. Meeting time is 6 P.M. - 9 P.M., and all are welcome to attend.

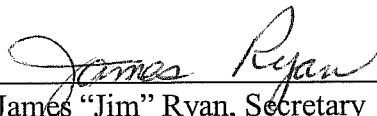
**17. Erosion Projects**

Work continues on the interim projects, and staff continues to work on getting additional funding.

**18. Meeting Dates**

The next Board Meeting will be held on Thursday, January 25, 2007, 9:30 A.M.

**19. Adjournment at 11:25 A.M.**

  
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James "Jim" Ryan, Secretary  
South Broward Drainage District

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